BEN BARKA IS DEAD ALEXANDER WERTH

THE
NATION

MARCH 28, 1966 *35 cents*

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Newspaper

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LETTERS

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McMinnville, Ore.

DEAR SIRS: According to the newspapers, Mr. Dean Rusk recently said in relation to the war in Vietnam: "We must make it clear that the United States keeps its word whenever it is pledged."

The American Indians would have some harsh comments on that statement. In the case of the Iroquois tribe, most of whose land has recently been taken from them, the treaty guaranteeing their possession was, I understand, signed on behalf of the U.S. Government by George Washington. *Richard B. Gregg*

out of the jungle

Burbank, Calif.

DEAR SIRS: The sobering prospect of a Sino-American war is filtering through to the most unexpected quarters. That staunch bastion of know-nothing policy vis-à-vis China, the *Los Angeles Times,* published a remarkable lead editorial on Mar. 7—"Red China—U. S. Understanding"—pleading for a more flexible and dispassionate attitude. It suggests a greater Chinese participation in diplomatic meetings, re-examination of trade policies, opening up lines of communications.

Significantly, the *Times* accepts the concept of the conflict of the "seeming worlds" of China and America (see "The Dragon: Myths and Realities" by Stanley Spector & J. Hartwell Moore, *The Nation,* Mar. 7) stating: "obviously we have great trouble fathoming the Chinese and just as obviously they have great trouble fathoming us. This problem is basic and of dangerous proportion."

This first step of rational approach is amply qualified by the usual ritualistic incantations of firmness of policy, protection of vital national interests, etc.; yet it is evident that the discussions of the Sinologists and the hearings of Senator Fulbright's Foreign Relations Committee are clearing a path through the jungle growth of deliberate distortions and misrepresentations about Red China. . . . *Theodore Schoenman*

the contemptible American

Boulder, Colo.

DEAR SIRS: We do appreciate very much John Rechy's "'Conduct Unbecoming . . .' Lieutenant on the Peace Line" [*The Nation,* Feb. 21].

During World War I, I lived with my family near Washington, D.C. Little did I realize when I read *The Nation* (I began reading it as a child of 6), that some day I would read about my own son in *The Nation.* At that time, ironically enough, "Germans" (or loyal Americans with German names) were badly treated. Germany was too militaristic. I was proud that my grandfather left Germany as a medical student to finish his education in this country. He had not wanted to be involved in Germany's militaristic aims. Sadly, I realize that in my time conditions have changed. My grandfather would have had to leave this country to seek peace.

What of Henry now? He is being held in the U.S. Disciplinary Barracks on the grounds of Fort Leavenworth. . . . He has been there nearly four weeks, and although he has sent in several written requests for work, he has not been assigned any job. He is an able teacher, and had hoped to help other prisoners by teaching. . . . If he had a job, he could earn an abatement of sentence of two or three days per month, as well as having the satisfaction he has always derived from helping others.

Henry and one other officer, alone among some 700

(Continued on page 364)

EDITORIALS

Pride and Fall

The forced transfer of authority from President Sukarno to Army Chief of Staff General Suharto was probably the best of several bad alternatives in Jakarta, if only because it is closer to the present reality of Indonesian politics. Sukarno might have avoided the humiliation by knuckling under to the army—by formally abolishing the Communist party, for example, which had been obliterated anyway in the massacre following the October 1st affair—but vanity and anger evidently made him take the all-or-nothing chance of a confrontation of wills. For a brief moment, when he forced General Nasution to surrender his leadership of the military forces, it seemed that he had won. But he succeeded only in pushing the army leaders past the threshold of their reluctance to take over the government.

Foreign expectations that Indonesia under army rule will be all right—as under Sukarno it was all wrong—should be tempered by some appreciation of the complicated country's plight. General Suharto and General Nasution, who no doubt will play an important part in the army's governance of Indonesia, have reputations for strength and character, but the army is otherwise generally devoid of excellent leadership, and it has not in the past excited popular trust or been free from the corruption engendered by civilian pressures. The arrest of Dr. Subandrio, the first deputy premier, and fourteen other leftist ministers, to appease the "anger of the people," and other indications that a new purge of Communists might begin do not inspire confidence that an era of relative stability and progress is about to start. Sources of leadership other than the army are even more dubious. The political parties which still exist are led by old men whom very few Indonesians suspect of honesty, dedication or ability. The Communist party, whatever else one may think of it, was widely believed to have had something of a monopoly on those qualities, and the important force for change that it represented is gone.

The transfer of power to Suharto also symbolizes a change of generations—if almost a generation too late. Men in their 20s and 30s are already demanding a role. Indonesia's youth is politically divided, as demonstrations before the army take-over showed; at least one reason for giving command to Suharto was to prevent bloody street battles among students. But one suspects that many young people may be in the anarchic mood that comes from political frustration and disaffection. It is an atmosphere that does not bode well for the future unless army leaders have the foresight and political courage to prepare the succession of the next generation in a way that civilian leaders failed utterly to do.

Sukarno remains, for the time being, a symbolic president and from this position he may attempt a comeback. But his *mystique* is fading and his support lacks any semblance of unity. It may be difficult to admire Sukarno's demagogic style, but he deserves some credit for the role he has played in Indonesia during nearly forty years of a chaotic century.

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For Mr. Johnson To Think About

No President has ever read polls as sedulously as LBJ. He is conducting the Vietnamese war more or less by poll. This procedure suffers from at least two weaknesses. The first is that the people are entitled to a certain minimum of initiative and leadership from their chief executive. To be popular is surely not his first duty. The second weakness is that the established polls are far from infallible. The questions that are asked, however neutral the phrasing may seem to be, are often biased on the side of conventional attitudes, and this is the more likely when the country is at war. Probably neither of these pitfalls has exercised Mr. Johnson very strongly. The middle ground was where he wanted to be.

Unfortunately for him, and unfortunately for the country, he found it impossible to stay in that safe part of the political spectrum. He claims to be fighting a limited war. Actually he plunked down on the side of the hawks, and his only claim to moderation is that he has not satisfied the most rabid among them. At least not yet.

For this decision he has sought justification in the polls, and the more weighted they were on the aggressive side the more justification he found. But then seven social scientists at Stanford University decided on an independent study of public opinion on Vietnam, in cooperation with the National Opinion Research Center at the University of Chicago. The cost was $10,000 and the money was raised by the scientists themselves. The results show that opinion is not merely divided but, as *The Wall Street Journal* says, it is fragmented—a natural result of the obfuscations Mr. Johnson has thrown up around his extension of the war. When searching questions are asked, what emerges is not the consensus of sheep that Mr. Johnson would like to see, but a deeply troubled and incipiently resentful electorate.

The Administration has never conceded willingness to negotiate with the National Liberation Front, whose troops we are fighting. Yet 88 per cent of the adult population of the United States favors negotiating with the Vietcong if they are willing to negotiate. The insistence on letting the Vietcong in only by the back door, as puppets of North Vietnam, is an Administration condition which the country does not share.

Other figures that emerge from the Stanford-Chicago poll are: 70 per cent in support of a UN-negotiated truce; 54 per cent in favor of free elections in South Vietnam and ready to abide by the result, even if the Vietcong should win; 52 per cent willing to see the Vietcong participate in a coalition government.

The out-and-out hawks show up weakest, with only 6 per cent of the vote. Those who are critical of the President are mainly doves. The more or less level-headed hawks have nothing to complain about. Opposition runs by a 2-to-1 margin against a 500,000 troop commitment and 3 to 2 against bombing North Vietnamese cities.

The Administration, while giving lip service to free speech and open debate (which it obstructed as long as possible), has tried to picture opponents as people soft on communism. The authors of the report note that those who favor negotiation with the Vietcong and formation of a coalition government "are not open to the charge of being

IN THIS ISSUE

March 28, 1966

EDITORIALS

346

ARTICLES

350 Ben Barka Is Dead — *Alexander Werth*

352 Parties in Chaos 1: The California Sweepstakes — *Gladwin Hill*

355 Parties in Chaos 2: The New York Guerrillas — *James Desmond*

THE FRUITS OF PROTEST

357 Law, Speech & Disobedience — *Carl Cohen*

362 Passion in Clear Reason — *David Krech*

BOOKS AND THE ARTS

365 Two Ways To Grow Up — *D'Arcy McNickle*

366 Scarred American Beauty — *James F. Becker*

368 Saint Charles — *Jeffry J. Kaplow*

370 Art — *Max Kozloff*

370 The Land Came To An End (poem) — *Paul Zweig*

372 Theatre — *Harold Clurman*

374 Crossword Puzzle — *Frank W. Lewis*

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soft on communism. Overwhelmingly, these people maintain a firm anti-Communist policy elsewhere in the world." They oppose this particular war, either because their estimate of the Saigon regime is so low that they think a Communist regime could be no worse (and might be better in some respects), or for strategic reasons, or for some other reason that does not appear in the results. To describe them as Communist sympathizers, or indifferent spectators, is slanderous.

It is only when the choice narrows down to a precipitate retreat or a continuation of the struggle that 4 out of 5 vote against what would amount to ignominious surrender. This surely is no surprise. But on any decently supportable terms the sentiment is heavily for de-escalation, for negotiation, for a settlement as soon as possible.

Those who made the poll possible are to be highly commended. Their findings have given President Johnson a chance to extricate himself. If he fails to take advantage of it, he will have still more to worry about as this miserable war drags on.

The Thaw in the South

It is a common belief that racism is a deeply rooted "instinct" and, as a corollary, that different races can live in a semblance of amity only if they are separated by law or social convention. As a justification for racism this notion serves very well, but it is a superstition. The paradox of racism is that of all forms of human ignorance ("error," H. G. Wells called it) racial bias has the most superficial roots. What does go deep is the *pattern* of discrimination and the relationships and customs, economic and social, that are passed on from generation to generation and come to be accepted as a law of life. Prejudice does not breed discrimination; discrimination breeds prejudice.

Beneath all the bad news that has come out of the South, and that may be expected to emerge for some time longer, one can yet see the proof of this proposition. This is not to minimize the agony of the Negroes who continue to suffer oppression; but where the relationship is changed, by law and by the force behind the law, bias disappears, often very rapidly. And those who are most astonished at the change in their own feelings are the very people who had considered such feelings immutable.

Two instances may be cited. In 1963, Governor George Wallace stood at the entrance of the University of Alabama and vowed that no Negro would ever enter there. Today, just three years later, 350 Negroes are enrolled. The figure is far too low, of course, but what is most important is the attitude of the academic community, including many of the white students. Where being anti-Negro was good campus style not so long ago, now it is "out" and despised by the sophisticated, the ones who set the tone. It is fashionable, "in," to treat Negroes as other students are treated, to be friendly and courteous. The few courageous souls who did that from the first, who sat next to a lone Negro in the cafeteria, for instance, are thus vindicated: they were the ones who saw the future and made it work. The University of Alabama is still far from a paradise, but it is thriving as it never did in the days when a dark face was never seen on the campus. It is up in enrollment, in funds, in diversity of degrees; it may yet become a great institution.

Then there is the case of the twelfth juror. In Schley County, Ga., rural and predominantly black, Negroes had been systematically excluded from juries; but in 1964 the Georgia Court of Appeals overturned the assault conviction of a civil rights worker because Negroes had been barred from the trial jury. In Ellaville, Schley County, the jury for a homicide case not only included Negroes, but there were eleven of them and only one white juror. This came about because the attorney for the defendant used all twenty of his peremptory challenges to exclude whites, thus turning the tables. The one white juror was George Gooding, a 45-year-old stock clerk for an auto parts company. The defendant was a young Negro who had stabbed one policeman and shot another to death when he was stopped for speeding and apparently felt that his brother, who was with him in the car, was in danger. A first-degree murder verdict would have been almost automatic in the old days, but Schley County is not what it used to be. The eleven Negro jurors insisted on electing Gooding foreman, on the ground that he knew more about the duties of a jury than they did. The verdict was manslaughter and the defendant received a six-year sentence.

"I'll tell you one thing," Gooding said later, "when we went in that jury room it wasn't eleven niggers and a white man. It was twelve Schley County jurors." Some whites criticized the verdict as too lenient, but there was no excitement. A businessman in Americus, where Gooding works, walked up to him on the street, shook his hand and said, "I'm proud of you."

"For what?" asked Gooding.

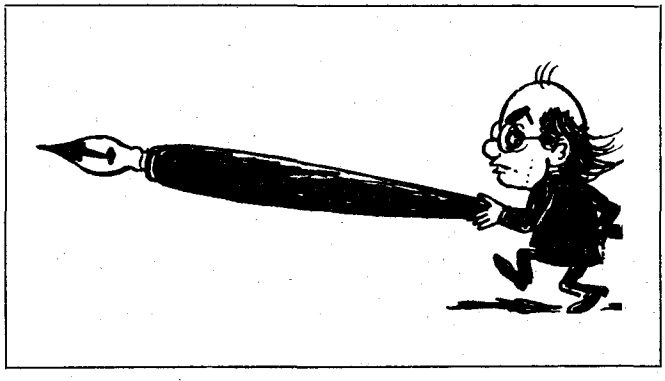
"For being a citizen first and doing your duty," the businessman replied. "I'm damned proud of Schley County."

Times change in the Southland, too.

Vicky

This little man, a refugee from Nazi persecutions who landed in England around 1939, was not only a brilliant left-wing cartoonist ("the greatest cartoonist of our time," all the British papers, Left, Right and Center, hastened to proclaim) but also a man of deep sensibility and a passionate sense of revolt against injustice and brutality. After all those splendid obituaries which clasped the little Central European to the bosom of the English Establishment ("Oh, how English he was!"), it suddenly became known from the coroner's verdict that Vicky had committed suicide.

Why? The man was at the height of his fame. His car-



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toons had made him very rich. But he had worried himself to distraction about the human suffering in the world—about starving Indians and the napalmed village folk of Vietnam, whom he was trying in vain to help. Perhaps no man had done more than Vicky, with his brilliant cartoons of Macmillan and especially Sir Alec Douglas-Home, to help Wilson's Labour Party into office in 1964. But now he was obsessed by Vietnam, and he wasn't going to play any more. Shortly before his death he wrote in a letter to K. S. Karol (quoted in *Le Nouvel Observateur* by its recipient): "What is happening is terrible. I was right and you were wrong. This government is worse than the conservative government, more hypocritical, and more difficult to fight."

And Karol concludes: "If there is a disease that killed Vicky, its name is despair. The despair of a clear-sighted man to whom political struggle was all that mattered. The starving masses of India, the bombed villagers of Vietnam have lost their best friend."

One can safely bet, however, that Vicky's tragic pre-election revolt—his protest, above all, against Wilson's support of the war in Vietnam—will be carefully kept out of the coming election battle.

Operation Disparagement

Reading Anthony Howard's column in the London *Observer* (March 6) one can only conclude that it takes an Englishman to tell the truth about the relation of the American President to the American press. Howard says that he had not been in Washington a fortnight before he was drawn to one side by what is called "a high source" and told solemnly that Walter Lippmann was "senile." At any Washington dinner party, Howard continues, James Reston, whose columns of late have been somewhat critical of Mr. Johnson's congeries of policies in Vietnam, is gently raked over the coals. An Administration spokesman leans earnestly across the table and confides that as an old newspaper man himself he is saddened by "the decline in Scotty Reston's reputation." Another marked newsman is Marquis Childs who, after an interview with the President, had the temerity to suggest that the day must come when someone will have to be found to replace Dean Rusk as Secretary of State.

Howard thinks he discerns in these incidents part of "a concerted plan of professional demolition of the President's newspaper critics." Or, less elegantly, Mr. Johnson has made a start in compiling what was known among William Randolph Hearst's minions as The Chief's "son-of-a-bitch list." Anyone critical of Mr. Hearst or Miss Marion Davies, if mentioned in the Hearst papers at all, was to be given the treatment such impudence merited.

But if there are punishments these days in Washington, there are also rewards. If the worst thing that can happen to a newsman, as to an actor, is to be ignored, that horror at least the Washington correspondents are spared. Every prominent journalist in Washington, except those hopelessly alienated, can tell a story of getting a telephone call from the President, at home, and listening transfixed while Mr. Johnson complains in sorrow or berates in fury — but always ends with an invitation to kiss and make up. A telephone call from the President, though perhaps unnerving when it comes in the dead of night, may be regarded as an accolade.

Sometimes the easily stirred Presidential wrath assumes another form—the use of one journalist to undercut another. Such phlebotomy may be solicited or it may be volunteered by an admirer—not necessarily with an eye to Presidential approbation, though Mr. Johnson has been known to be good to his friends. Whatever his reasons, C. L. Sulzberger of *The New York Times* has been doing battle on behalf of Mr. Johnson: taking on, in a single column, Pierre Mendès-France, George Kennan, Sen. Robert Kennedy, Sen. Ernest Gruening; and quoting a foolish gloss by Walter Lippmann of a speech by Adolf Hitler.

If someone thought it worth the trouble to go over Sulzberger's columns for the past thirty-three years, it would be surprising if he did not uncover a few howlers—which does not go far toward proving that all of Sulzberger's present views are absurd. Just the same, he does sound irrational when he argues that the debate on Vietnamese policy "has been featured by misinformation, passion, political opportunism, vanity and hints of a smarmy dislike for President Johnson"—as if not a vestige of reason could be found among the Administration's critics. This type of disputation finds favor in *Time* (March 11), which contrasts Sulzberger's views with those of *The New York Times* editorial page, decries debate on Vietnam, and agrees with Sulzberger's contention that both Hanoi and Peking must have gained fresh encouragement from what the *Times* columnist calls "the joining of our Know-Nothings with our Know-It-Alls." Sulzberger himself is beginning to sound more like *Time* than the *Times*.

End to Postal Savings

The Senate has passed and sent to the President for signature a bill to discontinue the postal savings system. The system was established in 1910 to provide a safe and convenient method of saving for the immigrant poor, who were often inclined to keep their meager accumulations hidden in a mattress or in a tin can buried in the backyard. Accounts could be opened with $1 and the maximum for any one account was $2,500. In 1910, the 2 per cent interest paid by postal savings was regarded as a good rate, but nowadays double that can be obtained on accounts guaranteed by the government. Yet such is the inertia of institutional change that postal savings might have continued indefinitely had Bernard J. Reis, a New York CPA with a long-standing interest in consumer problems, not called the situation to *The Nation's* attention.

We in turn assigned Ralph Lee Smith, a journalist specializing in consumer issues, to do a piece about the current status of postal savings ("Postal Savings: America's Poorest Buy," *The Nation*, September 21, 1964). A copy of the article was sent to President Johnson, who thanked us for bringing the anachronistic state of postal savings to his attention. But the President has appropriated the suggestion without adopting Mr. Smith's remedy. He did not propose that the system should be abolished, but that the interest rate should be increased to 3 per cent, giving the 1,271,858 depositors an additional $6,400,000 annually. Even if the

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rate had been increased to 4 per cent, the government could well have afforded to pay it.

But the Administration saw a chance to increase deposits in banks and other institutions—a prospect naturally pleasing to business—and at the same time to cut back some of the work of an overburdened Post Office Department. Many postal savings depositors live in out-of-the-way places; it has been a convenience for them to deposit their savings when they visit the local post office. Those of them who will now transfer their accounts into regular savings accounts in commercial banks and savings and loan associations will clearly benefit; but those who do not may well be victimized by fly-by-night operators of one kind or another. Even so, the government could not, in all conscience, continue to short-change postal savings depositors. The system was a good idea in its time, but good ideas sometimes run their course. The wonder is that this one survived as long as it did.

Weak Arm of the Law

Last fall the American Association of University Governing Boards elected as president a distinguished public servant who has made substantial contributions to the scholarly world—Regent Eugene B. Power of the University of Michigan. But recently the nation's top regent abruptly ended his Michigan career. He resigned from the university governing board an hour after Michigan Attorney General Frank Kelley issued an opinion charging him with a substantial conflict of interest in his business dealings with the university. Power is president of University Microfilms, Inc., an Ann Arbor firm that specializes in microfilming out-of-print books, doctoral theses, rare manuscripts and other printed materials primarily for the use of libraries and scholars.

In his opinion Attorney General Kelley pointed out that two UMI cameras were placed in the university library, and that the company had copied the university's entire undergraduate library card catalogue, selling sets at $2,000 each (more than twenty-five sales to date) with no royalty payment to the university. He added that copies of University of Michigan doctoral dissertations were stored and sold by Power's firm rather than by the school.

Power, who is a director of Xerox Corporation (several years ago UMI became a subsidiary of the copying giant), president of the International Micrographic Congress, and a multimillionaire, said in his letter of resignation: "Under the present situation it becomes impossible for me to continue to serve as both regent of the University and as an officer of University Microfilms, Inc., especially in view of the plans for increased participation in the field of education by both UMI and Xerox Corp., of which I am a director."

Power's resignation is a tragedy for both himself and the university. He suffered intense personal humiliation, and because he had often been a decisive liberal force on the Board of Regents he will be sorely missed by the university. To a large extent Power has himself to blame for the turn of events. While he did check out his business relationships with the attorney general's office in 1956 and 1958, he had let the situation deteriorate over the past eight years. Apparently he considered the $150,000 of microfilming services he gave to the university in the past ten years the answer to any questions about his business dealings.

But Power's tragedy was not solely his fault—the American legal system has done very little to define conflict of interest. The attorney general's decision, for example, was based solely on whether or not Power's conflict was "substantial." But the word substantial is not defined by the state constitution. The situation is similar throughout the country. And it is precisely through the obscurities of conflict-of-interest law that public officials either get away with their shenanigans or end up like Eugene Power.

At every level of government there are serious questions about conflict of interest. As a result of the Power investigation, the Michigan House of Representatives has introduced new legislation, sponsored by Representative Jack Faxon of Detroit, which says, for example, that no state employee or official may become involved in a business transaction of more than $500 with the state. It also stipulates that he may not accept any outside position that would impair his independence of judgment in exercising his official duties. Perhaps other states, and the federal government as well, can profit from the unhappy experience of Regent Power.

BEN BARKA IS DEAD

ALEXANDER WERTH

Paris

Ben Barka is dead. I can say this without fear of contradiction. His body was recovered from the river Essonne near Corbeil, a few days after the kidnaping, and a short distance from the villa of Lopez, chief organizer of the killing. Several newspapers later reported that the Moroccan leader had been murdered at the villa of the gangster Boucheseiche; that his body was then taken to the nearby Lopez villa. What happened after that nobody seemed to know. The assumption was that the body had been secretly buried, though, oddly enough, no search for it by the police was ever reported. It now seems obvious why there was never any "conclusion" to this murder story; why, from time to time, there appeared "rumors" in the French press that Ben Barka "had been seen" in Morocco; that he was held incommunicado in a prison in southern Morocco by his enemy Oufkir, and so on.

His body *was* discovered and, to all appearances, discreetly disposed of by the French authorities. Why? The Moroccan Government or, more precisely, persons in King Hassan's immediate entourage, on being informed of the discovery, begged the French Government not to reveal that Ben Barka's body had been found, since this might well pro-

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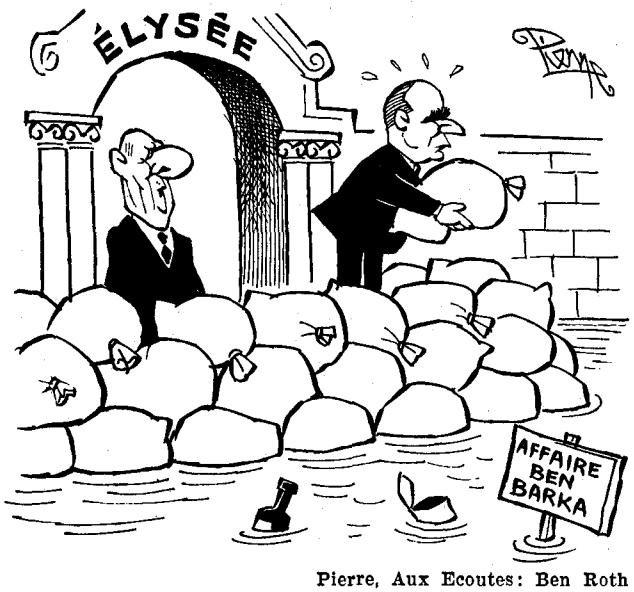
duce a violent upheaval in Morocco where Ben Barka had an enormous following among the left-wing elements. Strong man Oufkir had no serious objections to the story being made public and, as I hear from Morocco, might even have welcomed it, since it would have given him a chance to "have a real showdown with Ben Barka supporters."

The King, scared of Oufkir and the outcome of such a "showdown," preferred the mystery to remain "unsolved." The French Government, trying (though not very successfully) to prop up the King against Oufkir, complied.

This would also explain why de Gaulle said nothing in his most recent press conference about Ben Barka's ultimate fate, though several papers were confidently predicting that he would do so, since he certainly knew the exact truth. Instead, he attributed the whole affair to Moroccan machina-



Pierre, Aux Ecoutes: Ben Roth

tions (meaning Oufkir), in which the French cops and gangsters played a "vulgar and subordinate part." This was one way of saying that his own ministers and top officials could not be held responsible for what had happened—an attitude that has not only caused violent criticism in the press but also produced something of a crisis among the Gaullists themselves. The philosopher, Maurice Clavel, sharply attacked some of de Gaulle's ministers, notably the Minister of the Interior, Roger Frey, in an article in *Le Monde*; and since then even the Gaullist magazine, *Notre République*, has published an article by Jean de Beer, a "left-wing Gaullist," who regrets that Frey did not resign in order to defend himself as a private citizen against the numerous charges of suppression and concealment brought against him. Some serious pressures must then have been brought to bear on the magazine, for in an awkwardly worded statement it disavowed de Beer's article and apparently also fired the editor for publishing it. (At least the editor's name does not appear in the latest issue.)

But there is another side to the Ben Barka story. In French Government quarters there has been no doubt at all that Oufkir was the CIA's man in Morocco, and that it suited the CIA perfectly to have Ben Barka eliminated. However, the officials offered no details. Now an obscure little paper, called *L'Humanité Nouvelle* and published in Marseilles, has printed the text of a speech Ben Barka delivered in Nagasaki last August 9. The meeting was held to commemorate the twentieth anniversary of the atom bomb, and Ben Barka's speech was a violent diatribe against "American imperialism," which he said was active everywhere:

> In Morocco, whose people have reconquered their political independence, the National Union of People's Forces has fought until both French and American military bases were removed. But . . . *there are other, less visible, forms of foreign influence which we must eliminate.*

That last was a clear reference to the CIA. Barka then denounced the war the United States is waging in Vietnam, and said that in all parts of the world the best help that could be rendered to the people of Vietnam was a relentless struggle against American imperialism, and that this was particularly true in Africa.

L'Humanité Nouvelle, which is not dependent on the French Communist Party, but seems to be published by a small group with a "pro-Chinese" slant, makes the following comments on Ben Barka's Nagasaki speech:

> Everything in the French press is being done to divert people's attention from the real culprits of Ben Barka's murder. The papers dwell on the small fry—Figon, Lopez, Bernier and various other gangsters and cops. At the same time they say little or nothing about Oufkir, Hassan and other creatures of American imperialism, and still less about the CIA, that great agency specializing in intervention and subversion in foreign countries.
>
> The Gaullist government knows all about it, but *it also keeps silent*. Why? Because it is so much easier to amuse the public with gangster stories, *instead of disclosing a scandal of vast international dimensions, and instead of showing up the CIA and its ramifications inside the French police and the French government apparatus.*

"Ben Barka," it then says, "was Enemy Number 1 of American imperialism. His Nagasaki speech, his last public speech, was a sort of political testament; it gave the right anti-imperialist orientation to the Havana Conference of which he was one of the organizers, and was also a warning to those who believed in peaceful coexistence with the imperialists."

In this irrelevant suggestion that Ben Barka was "pro-Chinese" rather than "pro-Soviet," there is of course an implicit criticism of the regular French Communist Party which, coveting a place in the post-de Gaulle government, is also refraining, in the name of "peaceful coexistence," from attacking the CIA. In reality, though a progressive Third World spokesman and "neutralist" and even, one might say, "pro-Gaullist" as far as Morocco was concerned, Ben Barka was neither a "Russian" nor a "Chinese" Communist. Nevertheless, as his Nagasaki speech showed, he detested what he saw as American imperialism, and "to the CIA," *L'Humanité Nouvelle* says, "he was the man to kill." The paper calls on the French Government to "start from zero" a new inquiry into the Ben Barka case, not bothering about the small fry but concentrating on those to whom Ben Barka's death was most profitable. In other words, the CIA.

In these charges against the CIA there is in fact nothing very new; as I wrote in *The Nation* some time ago, a power struggle is going on between France and the United States in North Africa, and particularly in Morocco (but also in Algeria and Tunisia), and even an eminent author like

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François Mauriac openly accused Oufkir and the CIA of having engineered their double master stroke: to deprive the Third World of Ben Barka and to discredit de Gaulle. But Mauriac is not an official person, and although Frey too charged the CIA with engineering the Ben Barka kidnaping, he said so in private conversation, not in public.

De Gaulle, for fear of hurting the King of Morocco—whom he still hopes to win over sometime—and of strengthening Oufkir even more, is clearly avoiding a showdown on the CIA issue. But below the surface, and often not so far below it, the Franco-American struggle is continuing: over Morocco, over NATO, over Vietnam. As long as the war in Vietnam continues, there will be far more tacit popular support for de Gaulle in the whole of Europe (except possibly in Germany, but even there one isn't quite sure) than official America cares to realize.

PARTIES IN CHAOS #1

THE CALIFORNIA SWEEPSTAKES

GLADWIN HILL
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Los Angeles

California has long been associated with oranges and nuts. But its politics are increasingly taking on the vertiginous aura of a banana republic. Power is so diffuse, loyalties so flimsy, and coalitions so evanescent that nearly every day brings some neck-snapping, unexpected development.

The only really fixed feature of the current situation is that on June 7 the conscientious members of an electorate of 7 million—comprising 4 million nominal Democrats and 3 million nominal Republicans—will select in the primaries candidates for governor and other constitutional offices, for the second largest state delegation in Congress, and for a radically reapportioned legislature of eighty Assembly seats and forty Senate seats. Thirteen and one-half of the Senate seats formerly held by sparsely populated hinterland "cow counties" are newly allocated to Los Angeles, which has had only one seat. Henceforth Los Angeles, with a little help from the San Francisco Bay area and San Diego, can control legislation in the nation's most populous state; it will be one of the greatest concentrations of urban power in history.

But so wayward are the politics of the Golden State that, beyond mere selection of nominees, the primary election of June 7 and events leading up to it may well predetermine the outcome of the nominally decisive voting of next November. And beyond the filling of offices, this year's developments are likely to indicate the pattern of California politics for years ahead. This is a crossroads year. Both political parties—if they can really be called that—are in preposterous disarray. Because the confusion is about equal on both sides, the Republicans have a chance of scoring for the first time in eight years, and even perhaps of starting to regain the control they exercised almost continuously for the first half of this century.

"With Ronald Reagan they're going to do this?" the practical-minded newspaper-reading outlander may ask. The answer is "Yes, perhaps"; although heavily qualified to minimize the actor's personal importance in the situation. It is not a case of Californians being so bemused that, having scrutinized all 17 million citizens of the state, they have concluded that for a leader they may have to draft a second-string horse-opera performer. It is that California has such a loose-jointed political system that actors, tap dancers or individuals of other irrelevant qualifications can put forward legally plausible applications to be public servants. The state's political parties are so impotent that they have no control over who waves their banners or pre-empts their nominations.

Reagan owes his present eminence to the fact that California's Republican Party is so fragmented that a right-wing minority has been able to seize the initiative and marshal substantial campaign resources behind a man who distinguished himself as the leading pitchman for Sen. Barry Goldwater in 1964. If Reagan has a chance of winning, it is primarily because California's Democratic Party is so unorganized that it could discover no more powerful entry than the two-term incumbent, Governor Edmund G. Brown. Only one governor in California's history, Earl Warren, has won a third four-year term. Brown's administration is generally regarded as good, but in eight years any executive vexes an ever growing number of people; and even if he's perfect, voters get tired of seeing the same face.

Reagan may have little to offer, but he does have novelty. This can hardly be said of the best man the Republican Party's moderates were able to agree upon: George Christopher, Greek-born ex-mayor of San Francisco, affluent dairyman, and a shopworn party regular whose last futile foray was as Richard Nixon's running mate in the 1962 gubernatorial contest.

The GOP moderates appear to outnumber the conservative bloc by 2 to 1, but they sadly lack cohesion. Their common denominator is that they were against Goldwater in 1964, but some were for Rockefeller, some for Lodge, some for Scranton, some for Nixon, some even for Stassen. They were not able to unite enough on Rockefeller to head off Goldwater in the Republican Presidential primary. So with no more inspiring an entry than Christopher—who has been running like the proverbial dry creek—it's doubtful that they'll be able to stop Reagan in June.

Whoever is nominated, the outline of the ensuing assault on the voters is clear: Brown will claim that he's done well, and his opponent will try to convince the people he could do better, in administering the state's $10 million-a-day overhead. This is pretty meager fare to put before the voters of the nation's most populous and progressive state. A captious observer might be moved to ask where are the

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issues, where are the personalities—the Kuchels, the Unruhs, the Knights, and even the Knowlands—who might be taking a meaningful hand in this pallid charade? The answer is that both issues and individuals tend to be neutralized by California's disheveled political structure.

A half century ago, Governor Hiram Johnson, the Republican Progressive, engaged in mortal combat with corruption, invented an array of constitutional devices designed to thwart the development of political machines—and by so doing managed to inhibit the development of effective party organisms down to this day. The safeguards included primary cross-filing (Republicans competing in Democratic contests and vice versa), organic separation of party state committees from county committees, nonpartisan city and county elections, and minimization of patronage. Party lines were blurred, party cohesion rendered almost impossible.

Without the continuity of solid party organization, each election tends to be a free-for-all, with victory going to those who can whip up the best *ad hoc* campaign organization and make the most ingenious noises. The only way to stay alive in California politics is to be in office. The lack of organization, the systematic noncultivation of party timber, the inability to hold together even personal organizations, are demonstrated by the suddenness with which new figures burst onto the political scene, and the quick oblivion into which they plunge once defeated.

One day Richard Nixon was a newly discharged Navy officer; the next day he was on his way toward Congress. But the day after he was defeated for governor, there was nothing for him to do but pack his bags and leave California. One day William F. Knowland was the immediate past minority leader of the United States Senate; the next day the whimsicalities of California politics had relegated him to private citizenship. When James Roosevelt was defeated for governor in 1950, it was the end of his career in state politics. The whatever-became-of roster is dotted with such names as Jerry Voorhis and Helen Gahagan Douglas, both knocked out by Nixon; and Will Rogers, Jr., whose Congressional career was terminated abruptly when he lost a Senate race to Knowland.

In this hazardous political climate, flimsy party umbrellas provide poor refuge. The only security lies in quickly corralling as much voter support as possible. Accordingly, the first rule of California politics has long been for candidates to straddle party lines, and make the broadest possible appeal to an electorate casual about labels. This odd process is dignified with the name of "bipartisanship." Under it Earl Warren, William F. Knowland, Goodwin Knight and myriad other aspirants for office won elections in the primaries by cross-filing and capturing dual nominations. Formally, this practice was abolished in 1958. But the tradition of "bipartisanship"—which implicitly is disregard of party labels, denial of ideological differences and the minimizing of practically any issue except dishonesty—still permeates California politics like the smog. It was no fluke that in 1962 Sen. Thomas Kuchel, a Warren protégé and a leading exponent of bipartisanship was enthusiastically returned to office by the same electorate that rejected less ambivalent Republicans from Richard Nixon on down. This year, as he did in 1958 and 1962, Pat Brown, a card-carrying Democrat, will undoubtedly invoke reverentially the names of Hiram Johnson, Earl Warren and "bipartisanship."

State law forbids the "legal" party structures from endorsing primary candidates: there can be no "organization slate"; party officials are not supposed to manifest any preference between a man who has served with distinction in office for twenty years and any world-is-flat nut who can pay the nominal filing fee.

By definition, primaries are supposed to be competitive, but California's "bipartisan" electorate is so fluid that competition can be disastrous. More concerned with personalities than with labels, voters on the losing side of a primary contest are apt to defect to the opposing party in November; and the electorate as a whole tends to recoil from a primary winner who emerges all scarred up by intraparty conflict. Out of this has grown the second rule of California politics: the party with a hot primary battle is apt to lose the general election.

The consequent urge to reduce primary hostilities has given rise to "unofficial," volunteer party organizations that could screen aspirants, try to discourage the oddities, and endorse primary candidates on whom the party's registered following could reasonably be expected to focus support.

Helped by chronic Democratic divisiveness, the Republicans thus used the "unofficial" California Republican Assembly to stay in power for more than two decades after they became the minority party in 1934. The Knowland-Knight gubernatorial battle of 1958 brought the levitation act crashing to the ground. The downfall came in large part because five years earlier the Democrats had knit together their own "volunteer" California Democratic Council, a federation of local clubs that brought a degree of unity out of decades of factional strife. For ten years, the CDC maintained a near-perfect record of primary victories.

But neither the Republican Assembly nor the Democratic Council ever attained the stature of mass-membership party organizations; their respective memberships never topped 50,000 activists, out of millions of registered partisans. Accordingly, both finally fell victim to minority aberrations. In the Goldwater boom of 1964, right wingers seized control of the CRA. The CDC came apart this year, when the liberal pronouncements of its president, Simon Casady, against the Administration's Vietnamese policy annoyed the White House, Governor Brown and a majority of the membership. Casady was finally persuaded to resign in February, but by then the organization's support had become such a liability that its February convention was shunned by such founders of the organization as Lt. Gov. Glenn Anderson, State Controller Alan Cranston and former National Committeeman Paul Ziffren.

The aggravated schisms that afflict both parties have been emphasized in pre-primary maneuvering. The Republicans' most promising contender against Governor Brown was Sen. Thomas Kuchel, Minority Whip. After much thought, he declined to make the race—not because he doubted his ability to outpoint Brown but because of the clear danger that he would fall victim to rule number two, concerning the lethal nature of primary battles. California's right-wing Republicans detest Kuchel, and he has made no secret of his low regard for Reagan and his right-wing backers. These animosities would inevitably have precipi-

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"It's Not Quite the Slogan I'm Looking For"

tated a bitter primary struggle, which Kuchel stood to win —but at the cost of so much party wreckage as to leave him in precarious shape for November.

On the Democratic side, disunity erupted spectacularly early in March when Los Angeles' tempestuous Mayor Samuel Yorty announced that he would challenge Governor Brown for the gubernatorial nomination. Yorty is a professional party maverick who supported Richard Nixon in 1960, and in 1964 entered an insurgent slate of delegates in the Democratic Presidential primary, the only apparent purpose of which was to heckle Brown's orthodox pro-Johnson slate and whip up a froth of attention for Yorty.

No one thinks he stands much chance of beating Brown in June, but again the campaign will at least give the 56-year-old Yorty a free appearance under the limelight. He doesn't have to relinquish his mayoral job to compete. And money will be no problem, since ample financing is in prospect from both the Republican right wing — eager to promote a Democratic primary squabble to offset the Reagan-Christopher cleavage—and from Christopher supporters, who naturally would like to see Brown cut up.

There may be more devious motives in Yorty's gesture. For some time he has been in cahoots with an anti-Brown party faction that pivots around ambitious Jesse Unruh, California's closest approach to an Eastern-style political manipulator. Lacking the means, in California's weird milieu, to build a conventional political machine, Unruh has used the powerful speakership of the Legislative Assembly to make himself a ruthless ringmaster of law making, and through this to weave a web of obligations and support extending into many nooks and crannies of the state containing money, which he unabashedly describes as "the mother's milk of politics."

Unruh himself might have challenged Brown, had he not suffered from one critical liability: his preoccupation with political technology has entirely precluded cultivation of the electorate outside his little constituency of Inglewood, a Los Angeles suburb. Adept among fellow politicians, he is painfully ill at ease before a gathering of wide-eyed voters. Reapportionment confronted him with the choice of holding on to the Assembly speakership, and seeing his influence over the Senate diluted by Los Angeles' new block of seats; or moving up to the Senate, where an anti-Unruh cabal is poised to hamstring him.

A convenient evasion of this dilemma, providing back-door access to state-wide office with minimal dependence on personal popularity, would have been for Unruh to appear as Brown's running mate. The Governor could have used the added ticket strength that Unruh resources might have brought. The power base of the present Lieutenant Governor, Glenn Anderson, was the now prostrate CDC, and he was criticized for inaction, in Brown's absence, during the Watts riot. But Brown could not bring himself to drop Anderson. As a result, the initiative has been taken out of Brown's hands. Thomas W. Braden, Oceanside publisher, president of the State Board of Education and a Kennedy family intimate, has filed for lieutenant governor, labeling Anderson a do-nothing.

Brown's lack of influence over his own ticket is further indicated in the lesser races. In happier times, his interim appointee as attorney general, Thomas Lynch, would have been the undisputed nominee. But now Lynch is being challenged by William M. Bennett, a Brown appointee to the Public Utilities Commission. No less than four Democrats are campaigning for secretary of state, a position now held precariously by septuagenarian Frank Jordan (he and Kuchel were the only state-wide Republican winners in 1962). Among the contenders is William J. Williams, executive director of the newly established Negro Political Action Association of California.

At this point, Ronald Reagan's problem is less immediately Pat Brown than rules one and two of California politics. He has somehow to convince voters that he is no longer Ronald Reagan the Goldwaterite, but a new middle-of-the-road Reagan—so quintessentially middling as to appeal not only to moderate Republicans before June 7, but after June 7 to be palatable as well to at least one out of five Democrats. This feat defied even the talents of Richard Nixon, a very plausible man and in fact a more legitimate middle-roader than Reagan. But actor Reagan has the best coaching that money can buy, in the person of Spencer-Roberts & Associates, one of the numerous concerns in the field of campaign management, which, in the atmosphere of scrambled politics, has become a noteworthy California industry.

In compliance with rule number two, Reagan must minimize primary conflict with George Christopher, lest he sustain the sort of lacerations that, for instance, left Helen Gahagan Douglas an easy victim for Richard Nixon in the Senate race of 1950. Reagan is trying to do this by the approved California method of pretending that one's pri-

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mary opponent isn't there, and running against the ultimate enemy in the opposing party—in this case by deploring the height that taxes have reached under Brown.

Brown's handlers—a skilled and battle-tested team of both party technicians and personnel detached from his administration—have already launched a major counterattack: the suggestion that if Reagan should go to Sacramento, he'd take a good portion of the John Birch Society along with him. The Brown apparatus—a technical mechanism, it should be stressed, not a party machine—is formidable in operation. A state-wide teletype network keeps campaign nerve centers informed hour to hour of developments on the opposing side, and signals countermeasures. Tactical information is drawn out of opposition headquarters in mysterious ways; advance copies of opponents' speeches are obtained. Before an opponent has finished delivering a speech, however remote the locale, one or more imposing pro-Brown politicos will emerge from a temporary mimeograph room in a nearby motel to broadcast rebuttals.

From here on, a good deal of the jousting will revolve around rule three of California politics: the "nice guy" always wins. The "nice guy" is not necessarily the prettiest. He is the candidate who—contrary to the usual rules of warfare—manages to seize the defensive, thus making his opponent appear an unseemly, contentious, negative, peace-disturbing brickbat thrower. Californians, with all the other political rigors they have to endure, prize stability and resent roughhousing. The candidate who can come out first for home, mother and highway safety, and deflect all criticism into attacks on such verities, gets the vote. Brown, the pudgy image of your friendly, impeccably honest and sincere neighborhood optometrist, is a master at this kind of passive Karate. With it he demolished in 1958 the Eagle Scout façade that William Knowland had projected through thirty years of state and national politics. This year, Brown's agility at this sort of thing is a weapon to match Reagan's Screen Actors Guild card.

A third term for Governor Brown should stimulate some sober and systematic thinking among Democrats about whom they can run four years hence. Brown's defeat would in a sense be the plasma California's gasping Republicans need to fend off oblivion—although some pessimistic party members foresee victory as being as conducive as defeat to a thoroughgoing split between their hard-nosed right wing and the modern Republicans. A basic Republican split would be where Hiram Johnson came in.

What effect, an observer might wonder, will the gubernatorial battle have on the legislative and Congressional contests? The answer is little or none. California's Congressional districts are so thoroughly gerrymandered, and incumbents' rapport with their respective constituencies so specialized, that even the Johnson landslide scarcely affected the line-up.

PARTIES IN CHAOS #2

THE NEW YORK GUERRILLAS

JAMES DESMOND
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Albany

Is there a Democratic Party in New York State? The question is legitimate and the answer is a resounding no. The correct answer is that five, six or seven Democratic factions are operating throughout the state, frequently crossing lines as loyalties shift, and all dedicated to parochial interests that have no relevance to either a political philosophy or the needs of government in the present distressed society.

The condition is not new. It goes back to 1942, when James A. Farley, in the bitterness of his reaction against Franklin D. Roosevelt, smashed the party by ramming through the nomination of John J. Bennett for governor at a reputation-bruised state convention in Brooklyn. The wounded are still crying. In the twenty-four years since the Brooklyn ambush, the Democrats have elected just one governor, the single-termer, Averell Harriman, political surprise of 1954. After FDR's fourth-term election in 1944, the state party turned against Harry S. Truman and Adlai E. Stevenson in three successive Presidential election campaigns. It was not until John F. Kennedy came along in 1960, with his strong religious ties to the more or less Catholic Democrats—the state is about 38 per cent Catholic and among Democrats substantially higher—that the party got back on the winning track.

Until President Johnson's sweep in 1964, a sweep based in New York on emotions even stronger than in the Kennedy election, the Democrats had an arid time. But Johnson, rolling up a plurality of nearly 2.7 million in this state, dragged into office with him nearly every Democrat who managed to get his name on the ballot. It gave the Democrats one-year control of the legislature, a control they promptly frittered away.

One of the coattailers in the Johnson campaign was the abrasive Senator Robert F. Kennedy, a "carpetbagger" to many New York Democrats and a man whose naked ambition is terrifying to some beholders. With his almost "sainted" name, his wealth and the alliances he had made among the old-time bosses during his brother's campaign, Kennedy virtually compelled Robert F. Wagner, the Mayor of New York City, to accept him as the Senatorial nominee. It was a virtuoso performance, but Kennedy may yet regret it. Because the one thing it accomplished was to sharpen Democratic divisions throughout the state—not into a straight Kennedy-Wagner split, although that soon became apparent, but into a further fragmentation of the splinter factions that had been running wild for years.

The results are now beginning to tell as the Democrats face their gubernatorial convention in almost total disarray.

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Nelson Rockefeller in 1966 is by no means the pigeon he looked last summer when his popularity dived to its nadir after imposition of the state sales tax. His comeback in the polls started right after the September primaries when all his loyal supporters won against anti-sales-tax opponents. Since then, it has climbed steadily.

This has changed the game for the Democrats. The scrambling factions, which might have got together in the hope of sharing the spoils against a sure loser, no longer see a good reason to resign their personal ambitions. For what is at stake in the gubernatorial nominating convention is nothing less than control of the state Democratic machine which, despite its electoral impotence, has important statutory and trading powers. That control would give the winners a large say in the conduct of the all-important state constitutional convention next year. It is a prize worth anybody's last effort.

The difficulty for the Democrats is that they have no effective leadership. While Robert Wagner was in City Hall in New York he wielded a strong control which, though somewhat limited in scope, at least provided a focal point. Removed from office, he must fall back on old loyalties to arm him for any combat, and that at best is a doubtful political stance. Senator Kennedy is not much better off. The coalition that got him the nomination was loosely strung together and had little in common. Furthermore, as junior Senator from New York, elected far behind the ticket in the Johnson sweep, his power base is so narrow that a single defeat could destroy all the high ambitions attributed to him.

Under the circumstances, neither Wagner nor Kennedy has risked direct confrontation on any important issue, and the lesser leaders are reaching out for what they can grab. The grabbing may well be the undoing of the party. For this is just the point when irreversible commitments are frequently made to secure limited objectives, and such commitments often turn up later to tie the hands of the politicians on the county and city levels when the big boys at last decide to declare themselves.

Premonitions of this political quicksand have apparently cooled off a number of Democrats who were sweating for the gubernatorial nomination last fall. For purely local support, however attractive it may be when things are going right, might put an incumbent officeholder in a position where his political future could be snuffed out in any possible coalition movement.

For this reason, perhaps, only one Democrat is in the field as an announced candidate for the nomination for governor: the Nassau County executive, Eugene H. Nickerson. He is a protégé of John F. English who, it is true, has tied his political fortunes to Senator Kennedy, but other Kennedy ties are showing almost no enthusiasm for him. Nickerson, however, has a secure power base in Nassau County, which has been growing increasingly Democratic in its population explosion over the last twenty years, and that allows him to take certain risks.

The other highly touted hopefuls—including New York City Council President Frank O'Connor, who topped the Democratic ticket last fall when Republican John V. Lindsay beat Abraham Beame for mayor; Franklin D. Roosevelt, Jr., and the upstate Congressman Sam Stratton, a vigorous campaigner for the nomination in other years—have turned coy. The reason is obvious. None has a secure power base. And none has a record of state-wide pulling power. O'Connor, a district attorney and one-time state Senator in Queens County, has demonstrated local strength, but he does not control his county organization and has never ventured outside the city. Indeed, he declined a contest for the Democratic gubernatorial nomination four years ago. Roosevelt, wearing a name that many still hold in awe, although the new generation that is arising has barely heard it, has had one try at the polls and it was disastrous. In 1954, as candidate for attorney general, he was the only Democrat on the state ticket to lose, his conqueror being Jacob K. Javits, who went on to become New York's senior Senator. Stratton has no record outside his Congressional district, but he has won there against superior Republican registrations.

That such men, none particularly noted for modesty or lack of ambition, feel constrained to play a waiting game indicates the depth of the fracture within the party. Any one of them, given a reasonable hope of some solid bloc support, would be eager to step forward now, while the stepping is good, and try to equalize the edge that Rockefeller will hold over whatever nominee the Democrats pick.

That brings us back to Senator Kennedy. His moment of decision on the national scene may lie years ahead of him, but what he decides this year may determine whether he

Albany, N.Y.

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ever reaches the national scene. Kennedy needs to control the New York organization for national convention purposes if he wants to move ahead. Debarred by the state constitution from seeking the governorship himself (there is a five-year residency requirement and he moved to New York only a few weeks before his election in 1964), he can make his move either by marshaling all his strength for a campaign to nominate his own candidate, or by standing aside and letting the party fragment itself into another defeat.

Either course is heavy with danger. A strong governor, even one elected with Kennedy backing, might have White House dreams himself; and, since he would control the organization, might elbow the Senator out of convention consideration. A fragmented party might well be picked up by somebody else—Wagner, for example. Inactive for the moment, Wagner still has adherents scattered across the state and he has heavy claims on labor, both in his own right and because he is the son of U. S. Sen. Robert F. Wagner, who wrote labor's Magna Charta. Wagner is still very much in politics and intends to stay there.

One must not assume from all this that the Democratic cause in New York is hopeless this year. Governor Rockefeller has serious divisions within his own party and any faltering on his part could encourage the opposition to open rebellion. But as of the moment, he is holding the high hand and has been playing it exceedingly well. Given the luck that has marked his political career, he is unlikely to overreach himself now.

THE FRUITS OF PROTEST

1. Law, Speech and Disobedience

CARL COHEN
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When the elected leaders of a democracy behave unwisely or immorally, it is not only a citizen's right but his duty, owed to the community as a whole, to protest that conduct vigorously and publicly. Such protest may be unjustified or mistaken, but a citizen can be expected to inform himself only as fully as he can, and then act according to his best knowledge and belief. That such protest in general is proper and healthy most democrats are certain to agree.

But *how far* does the right to protest extend? To what limits should the courts protect conduct whose aim is clearly that of protesting established law or policy, or carrying on political debate? No questions are more serious than these in a democracy, and none more difficult to answer universally or unambiguously. The issues cannot be wholly avoided, however, and are now being pressed again in the Michigan courts.

It often happens, in the law, that matters of the highest consequence are argued and decided upon in connection with fact situations of relatively minor importance. A snail found in a bottle of ginger beer, a single student obliged to hear a prayer he does not share — such apparently small matters sometimes lead to landmark decisions in the courts. That, conceivably, may be the case with the conduct of those who, on October 15, 1965, refused to leave the Selective Service Office in Ann Arbor, Michigan, as a protest against United States policy in Vietnam. The facts surrounding this now notorious instance of civil disobedience are not in dispute. Some thirty-nine persons, mostly University of Michigan students, did "sit in" there and then, were taken from the office an hour or two after its normal time of closing, and did clearly understand that their act was a violation of the Michigan trespass statute. One of the most unhappy ramifications of the incident was the subsequent loss, by some dozen of the demonstrators, of their student draft deferments, on the alleged ground that they had impeded the operation of the Selective Service System. Much may be said about that (see: "Punishment by Conscription," *The Nation,* December 27, 1965), but the punitive use of the draft laws does not bear on the central issue now being raised.

That issue concerns the guilt of the demonstrators. Normally, the legal guilt of one who engages in civil disobedience is never seriously doubted. He disobeys the law openly to exhibit his deep concern on some issue, enters a guilty plea or one of no contest, and accepts his punishment publicly as further proof of his concern and as a further effort to focus public attention upon the injustice he protests. (See: "The Ethics of Civil Disobedience," *The Nation,* March 16, 1964.) Civil disobedience of this sort, again, may be foolish or unjustified, but normally it is practiced only by those with deep convictions, genuine public spirit and considerable courage.

The episode becomes tangled, however, when disobedient demonstrators claim — as is now being claimed by some twenty-nine of those at Ann Arbor—that *because their protest is clearly a form of political speech, it is protected —even though it is a deliberate violation of the state law— by the Constitution of the United States.* This is a strong and interesting claim, a matter of the highest interest to anyone concerned about the health and success of a democratic society, and I propose to examine it carefully.

I shall present the major arguments in support of this claim as plausibly and effectively as I can, at each step seeking to determine how well the argument stands up on examination. Before proceeding, I want to emphasize the fact that in this area no principles can be applied with absolute universality, and no set of facts can be interpreted in one and only one way. And I want to extol—

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what I know personally—the deep sincerity and moral goodness of the protesters in this case. By ordinary standards they are better persons than most of the rest of us.

Their arguments fall into two major divisions, as follows: (*1*) That this case of disobedient protest is a form of speech protected by the First Amendment to the Constitution; and (*2*) that because the object of their protest was the illegal character of United States' actions in Vietnam, their individual conduct in that protest is protected by the principles of the Nuremberg Judgments. I take these arguments in turn.

(*1*) Speech, after all, is not restricted to verbal activity. It takes many forms, oral, written, or other; its essential element is the communication of an idea. Nonverbal acts often accomplish, as they are intended to accomplish, such communication. The classical example is that of picketing in a labor dispute, long held to be a violation of state law but in 1940 declared worthy of protection by the Supreme Court in *Thornhill* v. *Alabama*. Picketing was there recognized as a nonverbal act protected by the First Amendment, which reads, "Congress shall make no law . . . abridging the freedom of speech." Similarly, in very recent cases involving sit-ins and other forms of public protest against racial discrimination, convictions for the alleged violation of state trespass and other statutes have been repeatedly reversed. The Supreme Court has not upheld the conviction of any of the protesters in these civil rights cases.

Moreover, the protection of free communication and criticism is of such fundamental importance that conduct which falls under this category will be protected even when it may appear to fall also under categories otherwise illegal. So, for example, what might otherwise be thought libel will sometimes be protected by constitutional guarantees. There is, the Supreme Court said in 1964, "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." (*N. Y. Times Co.* v. *Sullivan.*) So, the Court went on, apparently libelous attacks on public figures will be protected. "Like insurrection, contempt, advocacy of unlawful acts, breach of the peace, obscenity, solicitation of legal business and the various other formulae . . . that have been challenged in this Court, libel cannot claim talismanic immunity from constitutional limitations." Why then should trespass not be treated likewise? Calling an act a trespass does not remove it automatically from First Amendment protection. The key question (according to this argument) is whether a given, deliberate trespass is a form of speech; if so, it is entitled to the same constitutional protection.

Of course real interests are safeguarded by state trespass laws, and these are, on the whole, good laws, But such interests must be balanced against the interests of the entire community in maximally free speech. And the Supreme Court has repeatedly recognized the need, in similar situations, to balance the one set of interests against the other. Such a balancing in this case (the argument continues) would surely result in the exculpation of a minor trespass, even if deliberate, providing it were carefully supervised and clearly intended as a political protest. It must be remembered that civil disobedience is normally performed under the public eye, that it carefully minimizes harm and inconvenience, and that (as in Ann Arbor) procedural details for the arrests are worked out with officials in advance. The relatively minute injury to the interests of the owner or occupants of the building clearly ought to be sacrificed as a matter of good public policy, when balanced against the interest of the entire community in having so grave a matter as war and peace argued effectively and dramatically. The right of peaceful, even if disobedient, protest must prevail. [For a further discussion of "balancing" and allied issues, see "Justice Black at 80: The Common Sense of Freedom," by Norman Redlich; *The Nation,* March 21.]

The defendants in this case do not maintain that the trespass law is invalid. Nor do they deny the facts of their technical violation of it. They argue that such a law, even a good law, cannot be used to suppress a "sit-in" protest under these special circumstances.

This is an appealing argument. Those of us who are eager to protect and extend the freedom of speech and political debate will naturally be inclined to view it with sympathy — a sympathy reinforced by our confidence in the good character and high purpose of the defendants. But is the argument sound? Reluctantly, I must say that I think it is not and that for strategic as well as jurisprudential reasons it is not the wisest position for disobedient demonstrators to adopt.

First on jurisprudential grounds. The central point, and one the defense attempts to gloss over, is that there are very great and even crucial *dis*analogies between cases of the present sort (deliberate disobedience to good trespass laws) and earlier cases before the Supreme Court protecting some demonstrators convicted of minor infractions of state law. These disanalogies are of two kinds:

(*a*) The first and most obvious is the disanalogy between violating a perfectly satisfactory statute, and violating an immoral and unconstitutional statute. The deliberate violation of segregation laws will be protected — because the act itself, whether it be called trespass or whatever, defies only a statute which should never have been in force, and which is rightly struck down when contested in the higher court. Such acts will be protected not as the result of a delicate balancing of interests but because, in a deep sense, the conduct never was wrongful. The Supreme Court reversals of the conviction of anti-segregation demonstrators provide no reasonable ground, then, for the protection of conduct which deliberately violates laws that are generally agreed to be proper and in the interests of the whole community.

(*b*) The second disanalogy is less obvious, but vitally important, and indeed the key to the present controversy. The defense argues that even good laws — libel laws, or breach of the peace laws, or anti-littering laws — will not suffice to condemn conduct in situations where the interests served by those laws are outweighed by the interests the First Amendment protects. But what is it in those situations (e.g., *N. Y. Times Co.* v. *Sullivan,* a clear and recent case) that demands a balancing? It is the almost inevitable conflict of certain *kinds* of interests. A com-

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munity is well served by laws protecting its members from false and libelous defamation, but the community is also served by protecting uninhibited debate. The character and conduct of persons must be protected from vicious attack, and yet must often be kept open to attack. Conflict of real community interests arises unavoidably; the balancing of "libel" against "the freedom of speech" *must* sometimes be undertaken. Normally, and rightly, the Court gives greater weight to freedom of speech. Similarly, the reasonable effort to keep the public peace comes naturally into conflict with freedom of speech when a speaker has an inflammatory manner and controversial things to say. In such instances the exercise of free speech *necessarily* offends against an otherwise valid law. In the event of such unavoidable conflict the courts must effect a balancing, and again unrestricted debate should and probably will prevail.

The enforcement of reasonable trespass laws (or other similar statutes), however, does not create any natural or unavoidable conflict with First Amendment freedoms. Protecting the interests of the owners or occupants of property normally has nothing whatever to do with the freedom to speak or protest. The courts will balance interests when they must, but will rightly refrain from doing so until they must. The defendants in the present case argue that their protest, being clearly a form of political speech, obliges the courts to undertake a balancing process with minor property interests on one side and the freedom to protest on the other. But the courts are likely to continue to deny that they have such an obligation. For to undertake such a balancing is to admit, in effect, that the defendants, by their deliberate choice in violating a trespass law, have the right to select which interests will be balanced against freedom of speech. If a deliberate trespass violation must be balanced against the need to preserve free speech, then the deliberate violation of any statute, minor or major, if intended as a protest, will have also to be balanced, and may claim the same protection. To allow the defendants' argument, in short, is to allow a First Amendment defense for any statute violation whatever, if it could reasonably be argued that the violation was intended as some form of protest. But this would carry the extension of First Amendment freedoms to the point of absurdity, giving that amendment as a protective weapon to whoever might wish to stage an illegal protest, whatever its form. A racial bigot protesting civil rights laws—or *any* person protesting *any* laws or policies he happens to think unjust—might then deliberately break the laws he thinks wrongful, or some other unrelated laws, and then go on to argue that his unlawful conduct is protected by the First Amendment. Clearly, that would be pushing the right to protected protest too far. The principle that the First Amendment protects whatever is claimed to be speech, whether normally so considered or not, is too strong to be reasonably adopted.

This is not to say that where the interests of free speech conflict with property interests of lesser importance the latter should prevail, but that unless there is a natural or normal conflict of interests the balancing process need not be undertaken. That, in effect, has been the decision of the lower courts in this case to date; they have held the defendants' contentions concerning their motives in trespassing as irrelevant and immaterial in determining their guilt on the specific charge of trespass. They have been found guilty on their first appeal (and given extraordinary sentences; ranging from fifteen to twenty days in jail, plus fines and court costs!) and now plan, with the guidance of attorney Ernest Goodman of Detroit, to take their case to the Michigan Court of Appeals.

Two further comments on this argument. First, note that the kinds of conduct which come naturally or normally into conflict with vigorous and open public debate cannot be antecedently clear beyond doubt, or permanently laid down. Conceivably, deliberate peaceful trespass in federal offices and buildings could become so common and normal a form of protest that its regular protection as a form of speech would seem less farfetched than it does at present. Until such a development, however, the balancing being requested is likely to be refused. Second, the defendants in this case might reply to my criticism by arguing that they are requesting a balancing not of kinds of interests but of actual interests in one specific fact situation. This is reasonable from their perspective, knowing as they do how genuine was their protest. But they cannot deny (nor would they want to if their case is to have an impact on future decisions) that to allow such a balancing in this case would be to set an important precedent in principle: that an individual, after choosing the form of deliberate disobedience he intends to employ as a form of speech, may seek protection for that disobedient conduct under the First Amendment. Any court would find it very difficult to allow such a position.

Put another way, my objection calls into question the premise upon which the appeal of these demonstrators is based: the claim that their deliberate disobedience was *essentially* an act of speech. Speech may indeed take many forms, and these demonstrators did wish, above all, to communicate an important idea. But whatever they may

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have wished to accomplish, their act had a clear outward form which cannot be denied. Human acts do not fall neatly into categories labeled "speech" and "non-speech," but are often of mixed character. Now, the deliberate violation of a trespass statute (or the like)—whatever the motivation of the violators—cannot reasonably be treated as one of the forms of speech deserving constitutional protection. The insistence that their act, regardless of its clear and specific nature, was at bottom speech (because of their aims) expands the notion of "speech" so extraordinarily that virtually nothing is left which it may not then be claimed to encompass. Such generalized protection was not the original intention, nor is it a proper present function, of the First Amendment to our Constitution.

Moreover, the result of this distorted expansion is likely to be the very opposite of these demonstrators' ultimate objective; it will weaken rather than strengthen First Amendment protections. For when the First Amendment provision that the freedom of speech is not to be abridged may be resorted to as a defense for virtually any kind of act, the need to qualify the protection it affords will be undeniable. The consequent efforts to define the limits of speech are likely to produce principles which can later be used to exclude from First Amendment protection marginal but effective varieties of speech now safeguarded. As long as "speech" be reasonably construed, the rigor of the First Amendment wording is clear and incontrovertible: "Congress shall make no law" which abridges its freedom. So soon as the concept of speech is unreasonably expanded, the infringements we all dread may enter through the back door, not by "abridging" the freedom of speech, but by carefully prescribing what "speech" may encompass. That would be a most unfortunate outcome. But if the present efforts to enlarge the notion of speech (to include even deliberate disobedience to law on some occasions) is unreasonable, as I believe, that may be the outcome to which such efforts eventually lead.

(2) Justification has also been sought in the Nuremberg Judgments. The principles of the Nuremberg convictions (the disobedient demonstrators argue) justify and protect even conduct in deliberate violation of state law, when that conduct is the protest of a citizen against the illegal acts of his government. For those, like themselves, who deeply believe the present United States involvement in Vietnam to be a crass violation of treaties we have signed and international laws we profess to uphold, this argument appears quite plausible at first. The Nuremberg Tribunal, judging and punishing crimes against international law and against humanity—with vigorous American support—held clearly that "international law imposes duties and liabilities upon individuals as well as upon states," and that war crimes are "committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced." The United States Supreme Court (in another connection) has also shown that it has applied from its earliest history "the law of war as including that part of the law of nations which prescribes for the conduct of war the status, rights, and duties of . . . nations as well as . . . individuals." (*Ex Parte Quirin, 1942.*) And this American decision was cited by the International Military Tribunal at Nuremberg as authority for the proposition that individuals as well as states may be held responsible for the commission of international crimes. But if individuals are so responsible for their nation's conduct, individuals must act to repudiate that conduct (when illegal or immoral) if it is possible for them to do so.

The entire "Nuremberg argument," then, can be put concisely as follows: The conduct of these disobedient demonstrators did admittedly constitute a violation of a state statute. But the Judgments of Nuremberg, which our nation supported, were clear: ". . . the very essence [of the principles established here] is that individuals have duties which transcend the national obligation of obedience." In protesting against United States conduct in Vietnam these demonstrators claimed to be fulfilling those higher duties.

Many will find this defense appealing. A closer examination of it will show, however, that it does not correctly apply to cases of ordinary civil disobedience like the one at hand. There are a number of reasons for this, some of which are overwhelming.

First. That the principles of the Nuremberg Judgments have authority in state or federal courts is altogether very doubtful. Some jurisprudents reject them out of hand as having no legitimate authority whatever. But even if given support and respect it is hard to see how they can be made consistently effective within a national legal system.

Second. The right to protection under the Nuremberg principles (assuming that they do have authority) supposes that the national conduct repudiated *is* illegal and immoral. The defendants in this case (as well as some distinguished national leaders) are prepared to maintain that vigorously, but it remains to be proved to a court of proper jurisdiction. The demonstrators and their supporters may indeed believe our international involvement in Vietnam is criminal, both in substance and in manner, but most Americans and most American courts (rightly or wrongly) are not likely to accept their argument and are therefore not likely to allow that the Nuremberg principles apply in this case, even if they do allow their application as a theoretical possibility in some cases.

Third. One grave peculiarity of the "Nuremberg argument" is that any court in a national legal system which holds that its nation is acting illegally and immorally attacks thereby the legal and moral foundation of its own authority, of the court itself. This self-reflexive character of the judgment being asked for renders it a virtual impossibility for a national or state court to hold that the Nuremberg argument applies in any given case. To do so is to announce that the court is governed by a law other than, and in conflict with, the law the court is sworn to enforce. Of course one may insist that, as a purely moral matter, the court does have such an obligation to a higher law. But one must then seek ultimate protection under that higher law (against the state law) in a higher court—an international court perhaps, or the court of heaven. And these are the courts in which the civil disobedient may find, if ever, ultimate justification under Nuremberg principles.

These three considerations weigh against the technical merit of the appeal, but they do not weigh against the defendants' strategy in appealing or the moral basis of their appeal, and therefore do not dismay them at all. They believe that the Nuremberg Judgments *do* have legitimacy,

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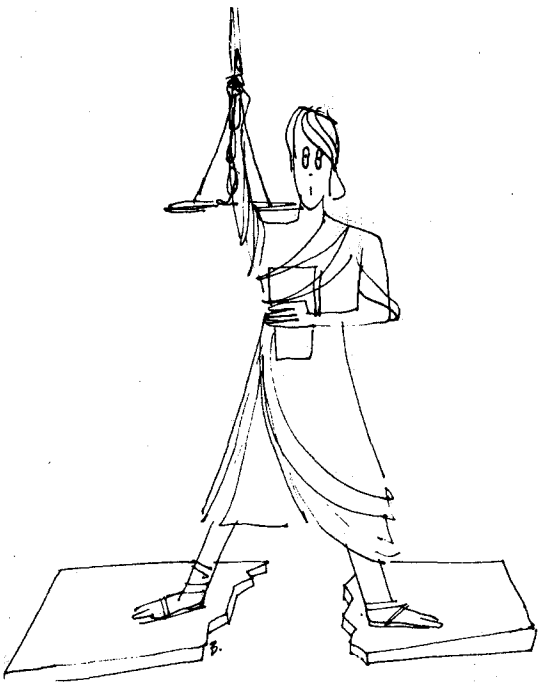
and that present American conduct in Vietnam *is* immoral, and they are prepared to offer proof in defense of these claims.

Regarding any difficulty there may be in applying the Nuremberg principles in American courts, they maintain that a method *ought* to be worked out whereby these principles *can* be applied within our judicial system. For if we take these principles seriously enough to apply them to others, with ensuing capital punishment, we are morally obliged to make them applicable—at least in principle—to ourselves. One of the chief aims of their present appeal is to begin the process of legal adjustment which will make this internal application of the Nuremberg principles feasible. Ours is a legal system, they maintain, healthy enough and resilient enough to adopt and incorporate new principles governing national conduct, where the moral content of those principles is clear and accepted, and the principles themselves are badly needed to assist in the guidance of our nation's policies within the community of nations.

Fourth. There is, however, a most important reason why the Nuremberg principles could not apply in the present case (or cases like it), and this reason speaks directly against the substance of the protesters' defense. The point is that the Nuremberg Judgments could not reasonably be held to protect the kind of disobedient conduct of which these demonstrators are accused. Even supposing the Nuremberg Judgments could and should bind the state courts, they could do so only under circumstances in which the alternatives of obedience or disobedience forced a moral choice upon the defendants. If obedience to a statute would somehow have involved them in the alleged immoral activity, or would have clearly indicated their approval or acceptance of that immoral activity, they might plausibly have claimed that, forced to choose, they elected to disobey the state statute in obedience to a higher moral law. These were not the circumstances of the present case, however, nor are such circumstances likely to accompany this kind of civil disobedience.

It is important to guard against an easy but unfair criticism of the demonstrators in this connection. One cannot deny the applicability of the Nuremberg principles merely because the disobedients had not been specifically ordered to commit a criminal act. Had it been such an order they disobeyed, the Nuremberg argument would indeed seem applicable—for when the German war criminals defended their actions by showing that they had only been following orders, that defense was rejected on the ground that they had a higher obligation to disobey immoral orders. But the fact that these demonstrators had not faced specific immoral orders is not, as they rightly argued, the crucial issue. For the Nuremberg Judgments made it very plain that "the true test . . . is not the existence of the order, but whether moral choice was in fact possible." In this case, the defendants argue, they had a moral choice, and accordingly they felt obliged to make their option clear in this limited but dramatic way.

Nevertheless, the Nuremberg argument does not apply in cases of this sort. The key question is whether obedience, rather than disobedience, under the given circumstances, would in any way have implied participation or approval of the national conduct believed by the demonstrators to be immoral. Clearly it would not; obedience to trespass laws, and the like, indicates neither approval nor disapproval, tacit or explicit, of the nation's foreign policy. The defendants *chose* to exhibit their intense disapproval by such deliberate disobedience. But the Nuremberg principles, even if authoritative, cannot reasonably be extended to excuse any deliberate disobedience which the demonstrator selects as his instrument of protest. Only in circumstances where the alternatives of obedience or disobedience somehow compel the moral choice between participation and nonparticipation (or approval and disapproval) might the Nuremberg principles conceivably protect deliberate disobedient conduct. But where civil disobedience is indirect—i.e., where the law deliberately broken is clearly distinct from the law or policy



being protested—it almost invariably takes place in a situation specially and carefully selected or created by the demonstrator. In such situations the Nuremberg principles—quite apart from all other difficulties in their application—could not govern.

Finally, there are important strategic reasons for not insisting that deliberate disobedience be protected either by constitutional guarantees, or by principles of international law. For the overriding aim of those who engage in civil disobedience is to make an effective protest to open grave issues to public debate, to register deep concern and vehement objection. To achieve this aim civil disobedience may prove reasonably effective when the depth of concern and commitment of the disobedients is beyond doubt or dispute. A willingness to accept public punishment for a deliberate public violation strongly reinforces the general belief in that commitment. But the effort to have the illegal conduct excused *because* it is a protest sharply reduces its effectiveness *as* a protest. If, after having disobeyed the law to make a dramatic self-sacrifice, one then seeks to avoid the penalty which makes it a sacrifice, the depth and completeness of one's commitment is likely to be questioned. Civil disobedience can be a powerful moral gesture; from the point of

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view of one who employs this tactic one very strong reason for not seeking legal immunity is that such a move would be self-defeating.

The defendants' reply to this strategic argument is twofold. First, they admit that seeking protection for their conduct may have the unfortunate consequence of raising some doubt about the depth of their convictions, but they maintain that that disadvantage is minor and is more than offset by advantages which would accrue from a successful appeal. For the effectiveness of civil disobedience, they argue, stems chiefly from its disruption of a complacent citizenry, and its capacity to force public attention to focus upon serious moral issues—whatever may come to be thought of the character of the disobedients. Second, they hope that if their appeal is successful many others might be encouraged to employ similar tactics where the issues are similarly grave, making moral protest all the more effective.

These are difficult claims to weigh, since they involve predictions about public reactions whose accuracy is virtually impossible to assess. If, as seems likely, their appeal is unsuccessful, some of their predictions will never be tested. In any case, the wisdom of alternative strategies, where the reactions of a large and varied citizenry must be estimated, is surely a matter upon which reasonable men may disagree. I am convinced, however, that these demonstrators underestimate the moral force of the self-sacrificial element in disobedient protest, and underestimate, therefore, the deleterious effect upon any civilly disobedient protest which would result from the evasion of the punishment normally meted out to those who knowingly break the law.

One last observation. Whatever one may conclude about the legal guilt of these disobedient demonstrators, or the extent to which their disobedient protest should be protected by right, one must see that their position as defendants in a criminal case is a sad and ironic reflection upon our times. Given our laws, and the structure of our community, they must stand accused of a minor crime, as they do, in a court of justice. But who among the persons in that courtroom know better than they, or care more deeply, where justice lies?

2. Passion in Clear Reason

DAVID KRECH
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My text comes from a story, no doubt apocryphal, that had its origin on the Vassar campus. The tale is told of Professor Lanier, who explains why, after ten years, he thought the time had come for him to leave Vassar—lest he lose completely his identity as a man. It seems the professor's office overlooked a part of the campus that is a favorite sunning spot for the Vassar girls, and thus out of bounds to whatever men happen to stray onto the grounds. One day, while the girls were lying around in their sun suits, he heard a mildly hysterical call from one of them: "Professor Lanier, oh Professor Lanier, come down quickly—there's a man here!"

As I have listened to the many university- and faculty-sponsored Vietnamese meetings, the teach-ins and study-ins and forums and position papers and critiques; and as I have read the half-page and full-page ads paid for by Harvard professors and Berkeley professors and Stanford professors, I have come to the conclusion that apparently the professors themselves agree with the Vassar girls' judgment. Very rarely do we hear from the professor as *Man*. Almost never does he lash out against America's Vietnamese war with the hot conviction of a man whose passion has been aroused, who has come to hate in full and bitter measure the cruelties and deceptions and obscenities that are being committed by his government. We professors have been trying too hard to play the role of the glandless eminence who is all gray cortex and has within him none of the energizing secretions of the thyroid, the driving fluids of adrenalin, the vitalizing mysteries of the androgens. We have trapped ourselves into believing that "reasoned discussion" is what we professors should hold fast to in this time of confusion and bitterness and frustration, and that "reasoned discussion" means the discussion only of diplomatic documents, historical precedents and international policy; the discussion only of elections held and elections not held, of political expediency and legal authority; of the virtues of open debate and the recognition or nonrecognition of this or that body; the discussion only of domino theories and paper tigers and enclave strategies. Never, never, must "reasoned discussion" have recourse to what are pejoratively called "the emotional arguments"—to blood and death, anguish and fear.

But this surely is an absurd caricature of "reasoned discussion." To believe that reasoning man is, can be, or even should be uninfluenced by his fears, angers, hates, aspirations and hopes is bad physiology and very bad psychology.

It is bad physiology because it seems to assume that the brain of an academe—professor or student—floats suspended in sterile space, unbathed by those vulgar hot vital fluids which nourish and condition the brains of the lesser citizenry. And it is bad psychology because it is bad physiology: quite simply, no man born of woman does reason in this manner.

Those who refuse to weigh and consider emotional arguments in a reasonable discussion only *seem* to do so. They are really no less guided by emotions than those whom they castigate. The difference lies only in this: the so-called "unemotional" reasoners are guided by private, unexpressed and unadmitted hates, fears, anxieties and desires. I am not saying that we are all doomed to be creatures of unreasoning emotional urges and surges. Blind feelings and mindless emotions are good for nothing at all and we need not suc-

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cumb to that mindless outrage which serves neither the heart nor the brain. But as any psychologist knows, and as Karl Jaspers has put it so clearly, "Without passion in clear reason, no human truth is possible." When a man considers, in clear reason, a course of action that may bring about his death, or make him a hired killer, certainly he cannot arrive at any meaningful or significant truth on the question without passion. And to arrive at a truth which he can hold passionately, a man must consider all of his passions and determine whether they support or negate that truth. What evil nonsense it is to argue that when a man debates whether he should do this and probably live, or that and probably die (especially when a young man so debates), his passionate desire to live is irrelevant—an "emotional argument."

But I am afraid that many of us—most academes—behave as though we believe just that. In our public discussions we seem to have defined "reasoned discussion" as "emotionless mind." Therefore, we have failed to reason with our students and we have shied away from discussion with them, and *encouraging them to discuss,* those very passions which must be acknowledged with clear reason if human truths are to be found. And I am not speaking here of subtle and esoteric matters, but of the most simple and the most compelling.

When the student comes to our forums and teach-ins for guidance, do we talk to him about the decisions *he* must make; about the possibilities of his own annihilation? No, we behave as though such matters were irrelevant, and talk instead about the decisions *Johnson* must make, and the possibilities of the annihilation of *America's* containment policy. What a bizarre logic it is that makes the latter relevant and the former irrelevant. And the student leaves our forums with a belief, perhaps, that the domino theory is questionable, that Congress should be allowed to discuss foreign policy, and that Professors Able and Baker have made interesting and telling points which President Johnson ought to consider. But he wonders—and not for very long—if that is reason enough for him to make a spectacle of himself and march in protest parades—or refuse to serve his country when duty calls. He may admit to himself that he would rather finish out his schooling and his career, and all of his many yet unformed plans in his own fashion, rather than be shot off to Vietnam; and he may even admit to himself that he wants to live and fears he will not. But he thinks all these things with silent passion, for that seems to be *his* problem. Just maybe he is a coward after all, and the important thing really is foreign policy. Thus the student leaves our forums without any new truth or insight; more often than not, he plans to take no action. He takes no effective sides, and makes no effective commitment, precisely because we haven't *reasoned* with him. Too many of the relevant considerations we have ruled out as tainted by passion, "unfit for reasonable consumption by students and professors."

Because I hope that we professors may serve our students better, I propose the following: Let us in our forums talk as reasonable men—but as passionately reasonable men looking for human truths—not afraid to take out and examine any relevant consideration. Let us express and examine values, morals, fears and angers, no less than statistics, documents and maps. Let us say to our students something after this fashion:

> When you think about what to do; when you decide how much—if anything—you are ready to do for peace in Viet-

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nam—whether to march in demonstrations or to refuse to serve as an American expeditionary soldier—when you make these decisions, remember that on them may depend *the uses of your life*. And here *you* are the expert. Here *you* must talk and think. Here you cannot assume that *they* know something you don't know. You are being asked to go and act the killer. You are being asked to jeopardize your own life in that enterprise. To examine the meaning of such requests is not the sign of a coward or of an emotional fool. It is the way of a man who reasons and considers and acts in terms of all that is relevant.

Perhaps you *are* prepared to kill and be killed in order to gain a greater good. Some of us, in past wars, have thought and done just that, and some of us still believe that what we did was right. But think, then, what is the greater good, this time, for which you are being asked to play the executioner and the victim? And for whom is this the greater good? Read all the arguments and reasoning and position papers, and ponder over this and that informed opinion and assessment. And then place all that you have learned against your wish to live—and let live. For the question to which all of this is addressed is meaningless except in the context of your readiness to shoot and kill and die. And when you have done all this—then decide on your course of action. And once you have decided what to do, go then and do those things with all your might and with all your soul, for remember, in the scale may be all of your unspent and untasted years.

If we spoke thus and reasoned thus in our forums and teach-ins and in our conversations, we would be serving our students better, and our cause as well—for we do have a cause and we are committed to it.

We profess to be of help to our own colleagues as well as to our students. But when our colleagues seek further understanding and guidance, do we discuss openly and cleanly—like complete men—those concerns of anguish and fear which disrupt our nights and our days; the dread realization that our sons are no longer exempt from threat, that as the war escalates, student deferments are revoked, and every boy is called to war? No, I'm afraid that we don't. Almost obscenely, we play out the roles assigned to us by the Vassar girls—"balanced gray men of cortex pure." We tell one another how complicated the problem is; we tell one another that Congressmen are now debating; and we adjourn the meeting, believing that indeed the matter is complicated, and hoping that Congressmen will continue to debate—hoping even that the President might eavesdrop. But we do not go away from these almost irrelevant discussions strengthened by the knowledge of a shared fear—and with that strength, determined to do what needs to be done.

And there is much that we can do. I would say to my colleagues: Read, think, examine—and then go and do with vigor what you think is best to do. But don't refrain from this or that program of action because it seems not to be the best of all possible programs—and thus refrain from doing anything. Think of what grasps you when you remember your son, or your brother's son, or your neighbor's son. Join, demonstrate, write, contribute money—but don't do nothing, lest you find yourself one day with a government telegram in hand, and begin the eternal agony of telling yourself: "Perhaps, perhaps . . . if only I *had* done more, if only I had done this—or that—perhaps . . . who knows?"

LETTERS

(Continued from page 346)

prisoners, are held in the basement in dark, insect-ridden cells. He is dressed in worn, unpressed brown-dyed fatigues—for visitors, he is dressed in ill-fitting, wrinkled, cheap brown prisoners' clothing. Though he still has the rank of lieutenant, he is not allowed to wear his insignia. He cannot go to the gym or the hobby shop as do other prisoners; he can go to the library only one hour a week instead of two hours a day as do the others. He can leave the group of cells to which he is confined only for the weekly library trip, for possible twice-a-week movies, and when he has company. Personnel are for the most part kind but, Henry feels, not really interested in the welfare of the prisoners. . . .

Why is a *loyal* American citizen treated as a contemptible and worthless individual? They say that he might come to physical harm at the hands of other prisoners, and so must be kept in virtual solitary; but there has been no indication whatsoever that prisoners would harm him. To date, his treatment (physically and psychologically) has been harsher than anything I have read about the treatment Russia accords any confined Americans.

We hope that readers who are interested in this violation of a citizen's rights will help publicize the case. Letters can be written to newspapers, magazines or to your Congressmen and Senators. You can write, urging commutation of the sentence, to the Army Chief of Staff, the Chairman of the Joint Chiefs of Staff, the Secretary of the Army or the Secretary of Defense, all at Washington, D.C.

Jane Lange Howe

sporting chance

Woods Hole, Mass.

DEAR SIRS: The complaint is well made that our China experts have lacked live contact with Chinese life these seventeen years.

Even more perilous to world peace, these pointed protests run, is the ominous fact that Chinese leaders themselves hold such a myopic view of the outside world, especially our beefed-up bases and bombings at their very doorstep.

Happily, I feel an effective remedy is at hand: namely, to lend-lease a few of our prescient U-2s to Peking and give its "misguided" leaders a sporting chance to gain computer-precise information on the American way of life. *John O. Crane*

ms. for hire

Washington, D.C.

DEAR SIRS: It was quite a coincidence reading Benjamin Boretz's column in *The Nation* [Mar. 7], since identical thoughts came to mind when, a few days earlier, I examined the book, *Composers In America*, by Claire Reis (1938). Glancing here and there I saw such names as Werner Janssen, Arthur Farwell, Lazar Weiner, as well as those names that have penetrated into the 1960s—Ruggles, Varèse, Copland and all the rest. The book lists the compositions of over 100 composers, but what struck me as pathetic were the words "manuscript for hire" or just "manuscript" under the heading of "publisher."

I wonder how many orchestras came forward and played this music. And what do you imagine happened to all the manuscripts? . . .

Certainly a major project of the Kennedy Center for the Performing Arts should be the resurrection of our unknown music of the 1920s and '30s.

Richard Fetters

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Two Ways To Grow Up

THE HOPI CHILD. *By Wayne Dennis. (Reprint of 1940 edition published by University of Virginia Institute for Research in the Social Sciences.) Science Editions. John Wiley & Sons. 200 pp. $1.45 paper.*

THE DIGNITY OF YOUTH AND OTHER ATAVISMS. *By Edgar Z. Friedenberg. Beacon Press. 254 pp. $6.95.*

D'ARCY McNICKLE

A member of the Confederated Salish and Kootenai tribes of Montana, Mr. McNickle is director of American Indian Development. He is the author of The Indian Tribes of the United States: Ethnic and Cultural Survival *(Oxford University Press).*

If the Wayne Dennis study of the social growth of the Hopi child seems thin after twenty-five years, the contribution has not diminished. It loomed large when it first appeared in 1940 because American Indian child life as a research field in social process was largely unexplored. Dennis' observations have lost none of their validity, but rather have been quantitatively overshadowed by later work. The findings of the cooperative study of five tribes conducted by the University of Chicago-Bureau of Indian Affairs group, and the publications of Sister M. Inez Hilger and Erik H. Erikson all appeared within the next decade. Jean Piaget and Margaret Mead were in the field before Dennis, of course, but they worked with other ethnic groups.

While childhood has always been a subject to reminisce about, to idealize or to brood over, only in modern times has it come under systematic scrutiny as the source of adult ills and shortcomings —adult triumphs, it goes without saying, are the outcome of the adult's own doing. But looking beyond the individual life history to the collective fate of the group, the events of child growth and upbringing are seen as the process by which a human society maintains itself. It is to this process and its cultural content that Wayne Dennis and Edgar Z. Friedenberg, in different times and circumstances, address themselves.

When read together, the two books bring to sharp focus the contrasts between growing up in a society organized—in Professor Friedenberg's view, to perpetuate infantilism—and growing up in an ordered tribal world where areas of conflict between child and adult are minimal, such as Dennis describes.

It is a harsh and demanding environment in which the Hopi Indians must subsist and bring children to maturity. The Arizona extension of the Colorado plateau is high and arid, subject to unseasonable crop-killing frosts and prolonged droughts. Yet these are an agricultural people, at least one of whose eleven villages has been continuously occupied for perhaps a thousand years. The quality of life they achieved within these severely limiting conditions is suggested in Dennis' text: "The Hopi works persistently but without ostentation. While he must work hard, he works with as little effort as possible, often rising before daybreak in order to work in the fields before the heat of the day. He shows foresight in taking care of his needs, and is frugal in his use of foods, the fear of drought being ever present."

The child is not shielded from the realities of that harsh world, but rather shares in it. A 6-year-old boy goes with his father to the fields to guard the corn crop from burrowing animals and the peach trees from poaching birds. Soon he is herding sheep, chopping wood, helping with the harvest. The girl of the same age works with her mother and has the particular task of caring for younger brothers and sisters. "If the girl is playing, she should return home about the time the baby wakens, and she is responsible for him until he again goes to sleep."

The prospect is grim, but the child prospers. Dennis reports: "It is said that the child, like an adult, should be industrious, not lazy. This does not mean that he should be continuously busy, and certainly not hyperactive. It means only that he should do the work assigned to him. Beyond that requirement, his time is his own. He is not disapproved of for sitting and daydreaming. . . . The child is supposed to do what is right, as is everybody else (but) he is not urged to be better than all the other children."

Permissiveness within limitations —the limitations to begin with being those imposed by the environment—would seem to be the first dimension of the Hopi child world. From the time he is able to walk, the child comes home when he wishes, eats when he is hungry. "No one waits for him or scolds him for remaining away." The limitation is the mesa top on which the village is located, a circumscribed area which does not encourage distant wandering. The play area is the village, without benefit of sandboxes, toys, or special apparatus, and the child is left to his own inventions. But since play is invariably within a group, with older sisters or brothers accountable for the toddlers, the risks associated with unsupervised play are not serious. Within the home, the child is free to touch or to handle whatever comes within reach, a freedom that results not so much from the absence of breakable objects as from respect for the child as a person.

Cautions and restraints also operate—against going too near the cliff's edge or too near the hot stove or open fire, and against talking back to adults, fighting, staring at people while they are eating, or taking other people's property—and generally the controls are social in nature. "The most common punishment is that of scolding"—or the child may be teased or ridiculed into behaving. If corporal punishment must be administered, the mother may call in one of her brothers, or in the case of a serious offense, the child's clan may take action. By such devices the individual is made aware of the social matrix of which he is a part.

Ultimate acceptance in the adult world is through the religious rather than the secular functions of the society. "From the time the child is a few months of age he is taken to see all public ceremonies . . . events which (become) a part of his life."

The masked figures *(kachinas)* impersonating supernatural beings create awe and some fear among the very young, but in the pre-adolescent ceremony the child sees the *kachinas* emerge as men of the pueblo, his own kinsmen perhaps, and by sharing that secret he passes from the nebulous world of childhood into the inner life of his people. Then, as a young man, he is initiated into one of the four sacred societies which, together, are responsible for the functioning of Hopi society. He receives a new name, by which he will be known for the rest of his life, and "at that moment, becomes a grown man." Society is on his side.

What Professor Friedenberg offers in his current volume is not a parallel study. Dennis took in the whole range of growth from birth to young adulthood, whereas *The Dignity of Youth* deals only with adolescence, the crucial

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transition years that lead into full social participation.

One problem in reading Friedenberg is that he sets off so many firecrackers, often in a single sentence, that one can't always be sure of the target area, or who may have taken a blast from an occasional round of live shot. However, there are enough clean hits on target to compel respect for the marksmanship. The one bull's-eye that is repeatedly smacked dead center with every manner of missile is the public high school. And since we are interested here in contrasting the process by which young people enter adult society in a tribal folk world, and in an industrial urban world such as America has become, we have in the Friedenberg volume a set of observations which should persuade Indians to stay with their drumbeating, and nontribal Americans to run, not walk, to the nearest exit.

In one of the bluntest passages of the book, the author remarks: "I think the youngsters who drop out (of school) are probably, in many ways, a more promising moral resource than those who stay in."

He reaches this disconcerting conclusion on the basis of research which he and other colleagues have conducted in the educational establishment. In general, he finds that compulsory school laws—which are justified on the grounds that popular government can only succeed where there is an educated citizenry—limit the freedom of the growing child and subject him to needless hostilities, without actually providing for his education. The age limit is an artificial device which is not correlated to any achievement level, and there is no remedy for failure of the school to provide services of a minimum quality. If the student withdraws from school because his needs are not being served, he becomes an offender, and probably an alien as well.

That schools do fail to meet the needs of their students is part of the general argument. The failure is at different levels. It may be failure in content: "What would happen to the businessman . . . who attempted to apply what he was taught in high school civics to the actual power structure of his community or country?"

But the more pervading failure derives from policy and value concepts. He indicates:

> Education, if it is to have any depth, must start with and be derived from the life-experiences of the student. . . . It must cultivate this experience with a disciplined and demanding use of the best resources offered by the humanities and the sciences—to help the individual understand the meaning of his own experience. The consequence of such education, though it clearly leads the student to share in a universal cultural heritage, is more fundamentally to sharpen his individuality, to clarify and emphasize to him the ways in which he is unique.

But American public schools, for various reasons, some of which are political and some having to do with the status motives of teachers and administrators, are not designed to function at that creative level. They pursue instead a goal of fixing "a common pattern of values and responses among adolescents from a diversity of class and ethnic backgrounds"—the melting-pot response to cultural diversity.

In another characterization of the secondary school, he points out:

> . . . the consequence of continuing through adolescence to submit to diffuse authority that is not derived from the task at hand—as a doctor's orders or the training regulations of an athletic coach usually are—is more serious than political incompetence or weakness of character. There is a general arrest of development. . . . Thus the high school is permitted to infantilize adolescence; in fact, it is encouraged to by the widespread hostility to "teen-agers" and the anxiety about their conduct found throughout our society.

The disquieting thought that emerges from this analysis, and is suggested in the essay on "The Purpose of Liberal Study," is that the failure of the school to respect and nurture individual strengths must result in the production of adults whose growth stopped short of full potential. And yet, as adults in a democratic society, these are the electorate, entitled, quoting from Ortega y Gasset, "to give force of law to notions born in the café. . . . The commonplace mind, knowing itself to be commonplace, has the assurance to proclaim the rights of the commonplace and to impose them wherever it will."

In trying to find a way around so awkward a development, Friedenberg backs himself into a corner from which no exit is visible, unless he has a trap door to be revealed in a later publication. He states: "If we are to survive as a nation that can at least provide a measure of freedom to those who are not unduly afraid of it, our social institutions must evolve in such a way as to make them less immediately responsive to public pressures than they are now." And he concludes: "This means, then, that one thing adult education should not do, if it is to be liberal in its effect, is to contribute further to the public conviction that one man's opinion is as good as another's, and that democracy means that you have a right to be heard whether or not you have anything relevant to say."

No Hopi Indian would be caught dead in the vicinity of such a pronouncement. But then, Hopi Indians know how to talk relevantly to their own society, and by talking, keep it taut and balanced.

Scarred American Beauty

THE INVISIBLE SCAR: The Great Depression, and What It Did to American Life, from Then Until Now. *By Caroline Bird. David McKay Co. 364 pp. $5.95.*

JAMES F. BECKER

Associate professor of Economics at New York University, Mr. Becker has published in professional journals as well as in Studies on the Left *and* Columbia Forum.

To recapture the past so as to illuminate the present has been the hope of historians, the despair of poets and novelists, and the affectation of commercial journalists. For Mrs. Bird, as for many other explorers of our recent past whose works are neither history, art, nor pure journalism, there is reportage, an inquiry that seeks facts without prejudice, trends without hypothesis, and guidance without didactics. Whether in principle it is reasonable to think that illumination can be had on these terms, or whether what is forthcoming can justify the trouble of eliciting it, are largely unexamined questions on which that institution rests.

Mrs. Bird offers a vast and often fascinating array of events and comments intended to characterize the Great Depression, the hidden scar on the social corpus. Her heavy flow of detail suggests an enviable industry in support of her assumption that no part of life was removed from the force of whatever it was that wounded us so severely. The recitation begins with what she takes to be the central events of the time, the familiar financial, commercial, industrial and political upheavals that culminated in economic prostration. The pointillistic filler of her pastiche of life as it was stimulates the mind's eye, and the technique makes almost inevitable some contact with the reader's own experience. There are the marathon dancers, and there is the small-town Iowa courthouse whose Victorian ugliness matches so fearfully the foreclosure proceedings within. In this pro-

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liferation of evocative detail, of course, lies the secret of popular success of the several species of the reportage genre and, as with *les points* of impressionism, the viewer marvels and asks how it is accomplished. But he must ask, also, how much it is worth.

From the standpoint of the author, it is necessarily true that what he regards as the main events of an epoch are always related virtually to everything. What else but an assumed relationship between the main and the peripheral can justify his regarding some events as central? For the skilled writer who is not out of touch with what his readers take for reality, shotgun reportage, blended with whatever stylistic grace and unifying themes his taste and knowledge may permit, is bound to find its mark.

The almost never failing magic of such works rests upon this partly logical, partly circumstantial, sleight of hand in which what all parties take for granted is ideographically displayed to their mutual satisfaction. From this group exercise, good fun may emerge and a camaraderie be engendered. If the author is daring, a connoisseur of the bizarre sexual, political, or even technical possibilities that infect what passes for healthy minds, he may produce a bestseller, be taken for an artist or socially conscious scientist, or merely make money. These are the least of the benefits, and too often the most of them.

It is clear that Mrs. Bird intends one to find more than idle pleasure in her narrative. "This is not a dispassionate book," she declares, and one does not doubt the force of her motivation. Yet the passion seldom carries her beyond desultory intimations that there were alternatives to the misguided policies and philosophies of yesterday, so that one is left wondering what in general they might have been. The measures of "filter down" economics upon which the old regime relied prior to its displacement by the New Deal are properly ridiculed; but, while she approves of Roosevelt's declaration that economic laws are made by men rather than nature, she finds the laws that were fashioned not up to their task.

One cannot but agree, yet her own brief incursions into the realm of what should have been done are not helpful: "Instead of going off gold in such a way that the currency would be expanded, he (Roosevelt) took the power to create inflation into his own hands where he could control it. Instead of taking over the banks and the stock exchange, he regulated them. Instead of permitting the liquidation of private debts, he organized Government support to help the debtors pay them. Instead of the simple guarantee of prices that would cover their costs, farmers got the restrictions and red tape of AAA. . . ." But the New Deal did go off the gold standard in such a way that the currency could be expanded and, if the ascent of restoration mores was a bit delayed, still, the New Deal filled the balloon with gas. And what, if any, radicalism does she advocate with the phrase, "taking over the banks and the stock exchange"? And isn't the payment of debt what is meant by the term liquidation? What is so "simple" about a "guarantee of prices that would cover costs"? What political economy would such a guarantee entail?

We need not fear, however, that Mrs. Bird is speaking for communism or socialism. Whatever those ambiguous terms may mean to her, she pummels both alike for their utopianism. Coming on the heels of such a remarkable positing of alternatives to New Deal policy, her caricature of "the Marxist intellectuals" leaves one wondering what anyone might have seen in them or in their doctrines. On the subject of American radicalism she tends to panic. This leads to gross exaggeration and attribution: ". . . (the Marxists) helped save capitalism by moving everyone from Mr. Roosevelt to the bankers just enough to the left for them to see the social significance of decisions traditionally regarded as purely private." It leads, too, to an unkind and unjust treatment of all the highly intelligent men and women who in those days did not underestimate the difficulties of finding a way to a better life.

Perhaps the danger is inherent in this nonfictional form of failing to deal adequately with problems of social causality and, as a consequence, failing to arrive at reasonable assessments of political responsibilities. Not only must an understanding be shared between reader and writer, but the understanding of both must be informed by a deeper awareness of the reality that they seek to grasp. Given these conditions, reportage may simultaneously amuse its audience and prepare it for nontrivial views and activities. In the twenties and thirties, the novels of social realism, relying upon similar devices, made frequent and striking contributions to our lives.

In the wake of Mrs. Bird's awesome documentation of social malaise, of rampant hate and bigotry, ruthlessness and limitless ambition, cruelty, love of power, and all the rest, it is astounding that the possibility should not be considered that whatever it was that wounded us once is wounding us still. Perhaps it is fear that prevents one's taking the larger possibility, and from it extending the lesser hypotheses that would shed light directly on our times and troubles. Something prevents this, and we lick our wounds rather than search for our assailants.

The assassination of our President is an event coyly hidden within a reference to his successor: "When he (Johnson) unexpectedly succeeded his junior. . . ." To ask, *cui bono?* is not impertinent if one's initial hypothesis is not simplistic. The "nettling" charge that war is needed to make jobs is one in which "in a less gross sense" there is "some truth"; but the force of this and other motives, and their social emplacements, are unexamined. On "the leisure problem" as it affects our "senior citizens": "It takes someone with one foot in an Oriental culture, like Santha Rama Rau, to ask the key question: Why do they have to *do* anything?" Why, indeed, if not because even the elderly may wish to live. "Until we solve the economic problem . . . the American woman will remain a distraught figure. . . ." What is *our* economic problem?

The pressure to avoid asking questions, to close our eyes to past and present, is very great now. It must be resisted for, as Blake said, "If the perceptive organs close, their objects seem to close also." The objects are almost vanished now, but it is conceivable that writers can help to bring them back into view. If the writers cannot, or will not, of what use is their skill?

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Saint Charles

DE GAULLE. *By François Mauriac. Translated by Richard Howard. Doubleday & Co.* 229 pp. $4.50.

JEFFRY J. KAPLOW

Assistant professor of History at Columbia University, Mr. Kaplow specializes in the history of modern France. He has written Elbeuf During the Revolutionary Period *(Johns Hopkins Press) and* New Perspectives on the French Revolution *(John Wiley).*

In 1953, François Mauriac wrote: "Without wishing to do so and without any merit on my part, I will not have ceased to bear witness. In sin as in grace, I have, at bottom, never spoken but of Christ." Although said of his novels, the statement seems to me relevant also to Mauriac's essay on de Gaulle. In this instance, instead of treating the Father, Son and Holy Ghost, Mauriac takes de Gaulle, France and humanity as three manifestations of the same essence. In language that might have been borrowed from a manual of religious devotions, he more than once cites de Gaulle's destiny as savior of France, suggesting that a special relationship which exists between the man and his country enables the General to believe, and history to confirm, that the nation would not be great without him.

Mauriac is a Catholic, but he has never been a vulgar polemicist for the Church. Neither have his religious beliefs made him a right-wing traditionalist in the style of the Action Française. On the contrary, he detests Maurras and the narrow-minded provincial bigots who formed so large a part of his clientele. He sees himself as a man of the Left and he refuses the anti-Communist label in favor of what he chooses to call anti-Stalinism. He has, to his great honor, spoken out against Franco and against torture in Algeria. Most important of all, he was the only member of the Académie Française unequivocally to oppose Vichy, and he was active in the Resistance. His *Black Notebook,* published clandestinely in 1943, is a noble document, especially where he affirms that, with oppression past, "once again France will have *her word* to say. Her word: Freedom."

Mauriac has come a long way from his birthplace among the bourgeoisie of Bordeaux, vintage 1885, even as has de Gaulle from the Lille of 1890. Each in his own way, both have come to terms with the realities of the mid-20th century. It would be wrong to see in them mere guardians of the *status quo*. Their rhetoric and their deeds would give that claim the lie. No Frenchman to whom all change was suspect would speak of the promise the French Revolution made to the world 175 years ago, or see the contemporary revolutions of the Third World as fulfilling that promise, as these men do. Words like nation, republic, self-determination, and decolonization are not anathema to them, as they are to those who stand in the substantial right-hand margin of their shadows.

And yet, if they are not simple-minded reactionaries, their view of the world, as distinct from the effects of certain of their actions, cannot be said to be progressive. They carry with them an intellectual baggage heavy with the attitudes of the provincial bourgeoisie of the end of the 19th century. For Mauriac, the key word here is sin, sin made mortal and corporeal, incorporated in each of us as we partake of man's fallen state, sin as the state of non-love, which is an offense to God. Sympathetic though he is to the sinner caught between the desires of the flesh and the call of divine love, Mauriac believes in the limited capacity of human nature for the exercise of virtue. Hence, men must be led, perhaps even manipulated—but not manhandled—for the service of God and their greater good. One suspects that in de Gaulle the metaphysical trappings are a good deal more summary, but the two men have in common several precepts drawn from the same tradition. They believe in a paternalism of the elite, in consular democracy, in the organic and eternal nature of the French nation, and in the spiritual mission of that nation to create what Mauriac calls a man shaped by the principles of Christian humanism, and what de Gaulle's more secular mind thinks of as a certain grandeur of soul amongst the French.

For Mauriac, elites are moral categories. They are not identifiable with closed aristocracies of talent, birth or wealth, or even automatically with the powers that be. (On the contrary, the parliamentarians of the Third and Fourth Republics are roundly condemned for their corruption and lack of initiative.) Elites are made up of men who are truly great because they identify themselves with their people, and in so doing they put themselves above ideology, class and party interest. They are not "subject to dogmas, and thereby bound," as are their adversaries. They have freedom of action, as well as passion, decisiveness and a sense of mission.

The elites in question are not so much descriptions of reality as they are a philosophy of history. To Mauriac, the history of France can be summed up in the phrase: "There has always been someone at a given moment . . . everything has always depended on one person. . . ." Not social forces but the force of personality, not class struggle but the advance of the nation, that is the true lesson of the past. Here we are not far removed from a *Führerprinzip,* and so it ought not to surprise us to be told that "it has come to pass, by the will of God or of history, that this person, France, has for twenty-four years been embodied in one man, and this man is de Gaulle, and it is not within the power of either his enemies or his friends to alter the case." Therefore, "it is absurd to imagine a world after de Gaulle where we could do without a de Gaulle—that is, without a thinking mind and a sovereign will. . . . Gaullism without de Gaulle will in a sense be imposed by a reasoned instinct of self-preservation. What has been saved . . . we will not gamble with again, we will not risk further, even to satisfy a certain idea of democracy, which a certain race of Frenchmen has great difficulty getting out of its head."

Democracy has become a god of a thousand faces. Neither Rousseau nor even Jefferson would recognize it in a system where the sovereign will is vested in a single individual. Not even the claim that de Gaulle needs contact with the

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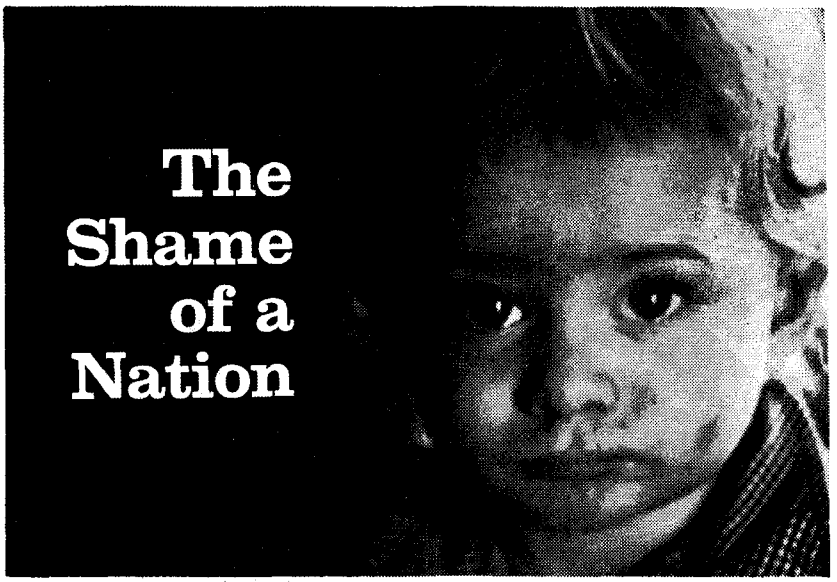
people in order to "charge himself, as a battery is charged," and that he thus "derives his power directly from the people" can change that. But Mauriac, for whom de Gaulle is the "sole democrat, in the absolute sense of the word, since he alone demands that the people decide without intermediary," does not see things that way. And once again it is because he conceives of the state as managed by an elite (which he believes to be natural) rather than by parties (which are unnatural and tend toward corruption). Mauriac would do well to ponder Proudhon's dictum that universal suffrage—he meant plebiscitary democracy—is counterrevolution.

All elites, all leaders have certain duties. After all, *noblesse oblige*—but to do what? De Gaulle "has not received a mission to bring a greater justice to pass on earth" but only to maintain France as a leading nation. Therefore, he need have no quarrel with capitalism. Yet de Gaulle, the author assures us, is the only true revolutionary. He insists on a partnership between capital and labor; he wants to restore "social justice, national tradition, Christian faith." Where have we heard that before? The echo of Vichy's *Travail, Patrie, Famille* seems here to drown out the *Liberté, Egalité, Fraternité* of the Republic. But the words were spoken in 1950, so it is perhaps best to let them be forgotten together with the whole unfortunate incident of the RPF (the Rassemblement du Peuple Français, headed by de Gaulle from 1947 to 1953) of which, let it be said, Mauriac was highly critical.

What then remains that is revolutionary in de Gaulle's policy? "The institutions that he has given France and that will save her, if she keeps them," replies Mauriac. Thanks to them, de Gaulle is "the first French political leader in a hundred years who has had his hands free, and whose decision [in foreign affairs] is swayed by no imperative of domestic policy." True enough, and Mauriac would have us believe that the survival of France in a world dominated by great nuclear powers now having been assured, the resolution of social conflicts at home is made possible. The trouble is, first, that survival in the world is inseparable from conflict at home and, second, that de Gaulle's ministers, in the absence of a strong preference on the part of their chief, are more inclined to use the new institutions to liquidate the protesters rather than the problems. There is a real and continuing danger that in order to preserve *La France éternelle* the problems of contemporary France will be passed over.

"There is in France a principle of eternity that manifests itself at every moment of her history and in which de Gaulle places his trust. . . ." It is de Gaulle's "reasonable and reasoned love which knows that the heart of Europe beats in Paris and that the mind of Europe is defined there." He knows that "France, if she is no longer *the* great nation, remains the irreplaceable nation, and that to serve France is to serve the world." For a Francophile like myself, this is heady stuff indeed, the more so as it seems to have a certain relevance to the current situation in Vietnam. But it also makes me a bit uneasy, even though I, like so many of my friends on the French Left, have long since acquired the habit of shaking my head in amazed approval and muttering *"sacré de Gaulle"* every time the General makes a speech on foreign policy. It is difficult under such conditions to keep one's bearings, but they must be kept.

The rhetoric of *la grande nation* is sweet and reminds us of a time when a revolutionary bourgeoisie, like each conquering class in its turn, identified its interests with the interests of humanity as a whole—and for good reason. That time is past. De Gaulle uses the rhetoric but does not seek to make the Revolution. The situation makes me think what might



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By Philip M. Stern, Author of the best-seller, THE GREAT TREASURY RAID
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have happened in the 1790s had the Revolution been made without the benefit of Enlightenment thought to shape its programs. Power might have been gained for the bourgeoisie, a certain grandeur obtained by military means, and admiration for the daring of the actors would, in any case, have been widespread. But men of all nations would hardly have looked to Paris as their spiritual home or to the Tricolor as the symbol of their liberty.

It is these last named feelings that de Gaulle would like to reawaken. He cannot, because he represents no revolutionary force except himself, and true revolution is excluded by his desire to unite *all* Frenchmen around his person. To the underdeveloped countries of the Third World, trying to make the great leap forward into the 20th century, de Gaulle can offer sympathy and a trickle of economic aid. They will be welcomed, but if the peoples of the Third World continue to identify with France it will be less on account of de Gaulle than because of the tradition of the French Left and the personal courage of some of its members.

Mauriac, too, is uneasy about de Gaulle's policy of grandeur. In his view, de Gaulle acts as though he cannot influence the French soul, which is the basis of political greatness. It is the General's task to define France's spiritual heritage and to impose its precepts upon a people "without problems, a people with no concerns in mind than never to have any again." "The French, especially French youth, [are] abandoned from adolescence to all the basest stimulation of sexuality and violence," and de Gaulle does nothing about it. We may think that Mauriac in his first sentence has calumnied the 45 per cent of the French whose concern for real problems was shown by their votes for Mitterand in the recent elections, but it is certain that he takes an (exaggerated) symptom for the disease. What Mauriac takes to be an abandonment of faith in France, a lowering of moral standards, a turn to hedonism, a wish to avoid the great questions are the results of political frustration. And for this, de Gaulle and his Fifth Republic are fully as responsible as their predecessors, no doubt more so. Those who argue about whom de Gaulle resembles most—Louis XIV, Napoleon or Charles X—ought to be reminded that there is in him much of *l'oncle Charles* within whose sheltering arms protection and freedom from disturbing thoughts are to be found. He who said, "Come unto me, all ye that labour and are heavy laden, and I will give you rest," about whom Mauriac has written so much, has his secular counterpart.

In 1943, Mauriac worried that fascism, even after its defeat, might cause the democracies to abandon themselves to a Machiavellian use of force in order to impose liberty and justice. Now he has decided that it is permissible for a Christian to support the "Machiavellian" de Gaulle, because he seeks the interest of France, which is "still linked to our highest, most disinterested vocation." It is a fitting epigraph to this gospel according to St. Charles, set down by a believer whose occasional moments of doubt only serve to reinforce his faith.

ART / Max Kozloff

One of the basic problems in the expansion of current abstract art is the relation of structure to color. Even in Abstract-Expressionism, this dialectic was vital, although structure was transfused by the motor activity of the artist's wrist and arm in their ever hectic guidance of a brush in combat with a surface. Today, this physical intrusiveness of paint, which merged, but which could also blur or weaken, the distinctions between color and structure, no longer functions. The present situation imposes a clear juxtaposition of the two, rendering bare the importance an artist assigns to his major elements. Even more, their servomechanistic relationship—if one gains dominance, the other makes room by diminishing itself—becomes remarkably concrete. One has the impression that color, and what contains or channels it, are like actual things that divide the picture façade. Moreover, and this is a source of great fascination, no one can determine the causative sequence by which these things have been related to one another. They must seem to come out of some comprehensive, foreordained necessity that immediately impresses itself upon the spectator, or else they fall into disjunctive and unsuccessful patterns. Or, perhaps even worse, degenerate into mere tastefulness.

A brilliant solution within these conditions was achieved by the late Morris Louis, especially in his prophetic "pillar" paintings; and by Kenneth Noland, who has just had a show at the Emmerich Gallery. These painters, with their now celebrated acrylic stains of translucent, stinging color, arranged in parallel bands or chevrons, have presented a chromatic vision of high order. Abandoning his earlier contrasts of painted and untouched areas of the surface, Noland recently constructed enormous horizontal diamond paintings consisting entirely of huge diagonal color stripes: fields that inevitably grow more eccentric and attenuated as the angles of their perimeters become more shallow. Eventually, this has resulted in lengthy friezes of horizontal color bars, impossible for the eye to bracket in one glance, and yet unitary in their graduated, close-valued chromatic changes. As the canvas shape tends toward the pointed toe or spindle, the hues reciprocally simplify into smooth warm-cool, and light-dark transitions.

In contrast to Noland's development, which has proceeded step by logical step, that of Frank Stella has been rather abrupt at each turn, and this despite the fact

THE LAND CAME TO AN END

The land came to an end before daybreak.
An end to the low trees,
And the shacks blown sideway in fields,
Near straight roads lonelier than grass.

I say goodby to a friend, and remember
The weight of growing things:
Corn gleaming in the green ears;
The white trimmings of a barn late at night,
Motioning the darkness aside;
The talk of poetry in a warm house,
While the wind from Dakota runs eastward
Over the windowpane.

Seagulls drift over the wet corn,
And the buried landscape whispers endlessly.
Lips tightened, hands like empty spaces,
These flat fields of the earth will inherit my dying;
The veils of the body, forever moving aside.

PAUL ZWEIG

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that Stella's is a more rationally based art. Again, the parallel band motif appears as the distinguishing factor. But Stella, almost from the first, that is, 1959 (at the age of 23), was to weight his inquiry on the side of structure: most particularly on the mutual echoing of the internal painted bands, and the "cut-out," notched, polygonal or letter-shaped (H, U) stretchers, strikingly varied from show to show. It is now a little difficult to summon up again the incredulity and ridicule (my own included) with which these works were greeted. A stone plops into a pond and creates concentric ripples, delightful in their liquidity; but these paintings are inorganic frozen patterns without even any mitigating ruffling of the surface. When there was a pictorial center (and this was not always the case), it functioned merely as the predictable meeting place of the bands jutting in from the edges, not as the point of origin or climax of the picture activities. In retrospect, it seems I was more subtly, but more deeply, alienated by this diminution of the center than by the obvious dehumanization of the conception. For, from this puzzle stemmed the problem of how to look, simply look, at the painting.

Under the circumstances, the precedent offered by the flags of Jasper Johns was not appropriate. Despite extraordinary paradoxes of their own, these were not abstract paintings. And Noland's piercing dissonances, when successful, were almost animal in their immediacy—the last thing one would want to say about Stella. That the latter's canvases were 3 inches thick (or deep) at the stretcher, and that the metallic paint which coated them suggested the character of objects rather than of metaphoric pigment, did not decrease the difficulty. These pictures were so palpably "there," *in one's own space,* that their expressive opacity was all the more intolerable. For paintings so aggressive in their presence, there seemed to be surprisingly little visual material to work with.

Much of this was underlined by the oddness, rather than by the seeming insufficiency, of Stella's color. Most often, it would be monochromatic—black at first, then aluminum, copper and metallic lavender. In their reductive coloration, these somewhat gritty surfaces forced into relief a submerged draftsmanship and gave full play to the rigid canals of unprimed canvas sieving through each field. This was a kind of drawing in reverse, of lines served up as thin, two-faced vacancies, unexpectedly white, in the manner of photographic negatives. No less recherché were the colors themselves—employed as single tones rather than relatable hues—and yet with a curious force of their own. They had about them an acid, light reflective glitter that became almost sensuous in contrast to the suddenly heightened puritanism of the picture designs. Color was not subdued or drained from the façade (meaningless in this context), but obliquely held in abeyance. Eventually, enough of this dialectic has filtered through the public response to clarify the dilemma of extremely ordered-looking configurations which did not offer any forms to relate and consequently seemed antagonistic to order.

Cued by such interactions, it was possible to reconsider the anatomy of Stella's art from the viewpoint of ambiguity. For instance, the diagonal framing edges would create diagonal intersections where margin and internal bands changed course. At such moments, there appeared a strong inference of a connecting line or cut-across angle, held in maximum tension by the parallelism of the structure. (Sometimes, in certain V shapes, the connecting implication emerged as straight upright.) By 1964, the horizontal-shaped canvas was becoming such an irregular complex of connecting modular trapezoids, that although they still symmetrically mirrored or reversed one another, parallelism was disintegrating at the optically critical vertical breaks. There ensued a kind of wavering not of the geometrical tautness

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which was Stella's trademark but in the subtly canted directions in which the eye was for the first time permitted to wander. Moreover, lateral movement increased with the suggestion that the white lines were like the Futurist lines of force—metaphorical agents carrying along, unseen, figuratively unstoppable energies, profiled insistently against the field. Finally, it was possible to view the process of static emblems losing their discreteness without any surrender of their emblematic character. It was, or rather now seems, a spectacle of wonderfully aberrated logic, of subversive tidiness.

These, then, were the features of an art that have been provokingly shattered in Stella's most ambitious show, the spectacular installation now at the Castelli Gallery. Color is currently fully abreast of a structure which has itself entered a new phase of complexity and paradox. Superficially, to be sure, the changes make for simpler viewing and more clarified organization. The forms are larger and more distinct; in fact, one can finally talk about actual shapes. And the palette, though composed of interrelating hues, remains extremely pared down. (Associative minds might even find in the new works blown-up versions of Design Research road signs.) But these conventional elements are humiliated by a puzzling incompletion. Formerly, the whole canvas unit could be judged as a kind of fragment, since the traditional rectangular form, and its sense of containment, had been dispensed with. But now, we have to deal with fragments within fragments, as if Stella had turned his art inside out. The redundancy of the earlier patterns has been stripped, sometimes down to their rims, while jagged fields face broken, would-be siblings of one another, frequently inverted or sheered away at a symmetry-making wing. Often a parallelogram or triangle is locked half in and out of a frame, so that one feels a demanding urge to push it in, just as there is a desire to extend variously abbreviated segments in paths intriguingly hinted by that torso which is the picture.

Similarly, Stella's chromaticism cracks forth, more of an invigorating shock—with its discordant jumps and gaps—than a sensuously gratifying harmony. In one canvas, a lemon, tan and red are set against a huge area of jet black. And in the 11-foot-high "Effingham," a solid cadmium yellow field is bordered by an eye-punching iridescent cherry, played off in the adjacent diamond by a dulled orange brown. These imbalances and quirky shifts, with their alternating varnished and mat surfaces, have moved far from the unitary, fluorescent pewter colors of his earlier work. And gone, too, are the indeterminate tonal values of those pictures. In this show, leaping value contrasts wedge open perimeters, so that the former purity of the canvas silhouettes is lost. More important, when medium-value colors intrude, as in certain turquoises and gray greens, a tentative cubic illusionism is suggested in the bands. Aside from refuting those who saw Stella as a surface-affirming painter, this introduces a spatial recession that complicates the mechanics of an already disturbing art.

Yet, overall, the impression is that of a judicious game. The 8-inch width of the surface band is double that of the stretcher depth, and this fixed proportion makes itself felt as a rationalized base to the proceedings. Less visible is the fact that the present show forms only a sampling from a suite of forty-four giant pictures, with four different color versions in each of eleven separate formats. In the past, the artist had rung changes on the shapes of groups of homogeneously colored pictures; at present, he alters colors within sequences of repeated figurations. Each canvas, therefore, has three differentiated alter egos. Here is a fresh switch on the formulation of series painting which highlights those differences within similarities that are its goal. Compared to the fascinating opportunities thus opened up, of analytical challenge and sensory pique, the exhilaration of Kenneth Noland begins to verge on charm.

Yet Stella retains something naive in his own approach. Unspeakably sophisticated, he has yet dedicated himself romantically to the proposition that the calculations upon which he is engaged will comprise a *vision*, and can distill a beauty. Without that fervor, the playfulness of the current paintings could never have been plotted with such intensity. Welding together and yet fruitfully opposing color and structure, making the finite more extendable than it seems, they prime the energies which must now be set in motion by serious abstraction.

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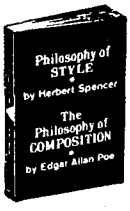

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Seeing John Arden's *Serjeant Musgrave's Dance* (Theatre De Lys) I was reminded of what Hanns Eisler said of Robert Schumann: "He had more genius than talent"—meaning more inspiration than skill. One cannot see *Serjeant Musgrave's Dance*, or for that matter any of Arden's plays, without realizing that one is in the presence of a real dramatist, a man of passion and power. A cross-grained poetry emerges from his work. Yet one is not wholly satisfied: one is left "holding the bag." One recalls certain aspects of O'Neill and O'Casey.

In this instance one cannot be sure the fault is entirely Arden's. *Serjeant Musgrave's Dance* is particularly difficult to stage. It requires a sweeping flow, a torrential drive in the physical movement of scenes and settings, an authenticity of speech and background in the acting as well as intensity and afflatus, a flashing imagination in the direction extremely rare except in the most accomplished of repertory companies. Such advantages, I suspect, were no more available in the original English production (1959) than they are now in Greenwich Village.

What makes *Musgrave* intrinsically problematic is a certain ambiguity in its content. I say ambiguity rather than unclarity. Musgrave is a fanatic bent on applying a sort of mathematical logic (he calls it religious because its motive is

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moral) to the problem of guilt and retribution in war. The time is the middle of the 19th century. One of Musgrave's men has been killed during a colonial expedition in the country which the British are fighting to take over. They execute five hostages in retaliation. This so outrages Musgrave that he deserts with three of his men—each of whom has a somewhat different reason for deserting. They all head for a small mining town in the north of England where their murdered comrade lived before he entered the army. Since five men were made to pay for the one boy's death, Musgrave plans to kill twenty-five of the town's leading citizens. This is to be his protest against the madness of war. It supplies the play with a premise only acceptable as hyperbole. Musgrave symbolizes the fallacy of violent action (and strict "logic") as a means of putting an end to war.

The issue is further complicated by the fact that the oldest of the deserters, a man against killing on any pretext, in an apparent accident kills the youngest of the four deserters as he was about to abandon Musgrave's party. Then there are the striking (or locked out) miners whom Musgrave hopes to enlist in his revenge against the town's Establishment, the source, he believes, of both civil and military injustice. The workers fail to see the connection between their situation and the causes of war since Musgrave is himself murderously militant. Thus Musgrave's rebellious ritual or "dance" fails. He is captured while the strike leader, with some sense of fatal misgiving at not having helped Musgrave, goes off to fight the workers' battle alone.

The play is a muddle if we think of it simply as an antiwar tract. But it is hardly that at all. Arden's position is tragic. It might be called anarchist if we divorce the term from any political notion (even though it may at times have political or social consequences).

Musgrave is a hero insofar as he reacts strongly to the villainy of war and wishes to take extreme steps to prevent its recurrence. But he is a flawed hero and a failure because his "logic" leads him to believe that war can be averted by killing its presumed instigators, and that "reason" when backed by force will solve the issue. And for all his noble intentions the pacifist must find himself involved in some phase of the sin he abhors. Thus the tragic dilemma appears insoluble.

Arden finds himself obliged to accept what Yeats once called "the crooked way of life." It is a sentiment which he dramatized in another vein in his *Live Like Pigs*. There the "gypsies," the wayward, the permanent vagrants who want to live in a freedom disruptive to the humdrum order of the welfare state, come into conflict with their humbly respectable neighbors, a conflict as brutally funny and pathetic as the situation in "Musgrave" is painfully somber. Arden doesn't take sides, though one feels his heart is with the determined derelicts. So in *Musgrave,* though one realizes Arden's compassion with the Serjeant's revolt, he indicates no way for his "dance" to arrive at the hoped for consummation. (It is possible that Arden means to suggest that if the workers were to join with the Musgraves of the world, war might be stopped. But this is hardly dramatized.) Arden's play, one must therefore conclude, does not aim at social preachment or philosophical demonstration. It is an attempt to picture the impasse of history in an epic drama.

As such it suffers from characters insufficiently grand or complete and from language which, though it bursts into a kind of rude folk song or verse when prose seems inadequate to express the intended emotion, is rarely eloquent enough to fulfill the author's ambitious design. But we should recognize that design and appreciate the value of the impulse which prompted it.

At the age of 36, Arden is even now one of the few dramatists writing in English today who tries to scale the heights of dramatic expression. Thus far he has succeeded only to a limited degree (I have

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not seen his latest plays), but his attempt, fortified as it is by an original personality and closeness to a specific soil and to the authentic speech of its people, gives him a unique place among contemporary playwrights.

It is no discredit to Stuart Burge, the director of the present production and the cast he has assembled, which includes a number of interesting actors, to say that under the circumstances of New York production they are unable to accomplish all that is needed to realize the full scope and power of *Serjeant Musgrave's Dance.*

Wait a Minim! (John Golden Theatre), called a "musical entertainment" because it is not exactly a revue, has character. And that, apart from the talent and charm of the five men and three women who compose the cast, makes it a memorable show.

That it succeeds in being delightful is in a way surprising, for it is a product of Johannesburg and is marked by certain sinister traits we associate with its place of origin. I do not refer simply to the satirical barbs leveled at the central fact of South African life — the savage division between black and white—which intersperse the show's various vignettes, but to something much less obvious. No matter how innocent and carefree the jokes, buffoonery, bits of dance and smatterings of song, some trace of the bitterness, hardship, frustration and cruelty attendant on apartheid reveals itself.

Though the show contains an unforgettable line spoken almost nonchalantly, "We have one thing in common: we hate segregation—and Negroes," social or political comment is not preponderant. The eight players (all of them white, though by differences in their headdress they indicate the change to Negro figures) betray the endemic hate and the constantly repressed violence of the environment, even though they themselves are as utterly relaxed as if they dwelled in a thoroughly normal atmosphere. They always appear in good spirits, happily at ease. But one feels the sharp bite of scorn and malice in their gayest sallies. The knife, the hatchet, the bomb seem a perpetual presence. One laughs and awaits an explosion. Since it never occurs, one begins to enjoy a sense of relief; we are all the more gratefully jubilant because of the initial tension.

A lanky young man appears at one point and in good voice and solemn manner chants: "I asked my love what her lips were for while lying by the hedge. She said, 'to keep my mouth from fraying at the edge.' " Nearly all the gags—many of them hilarious—have the same sort of sting to them.

There are extraordinarily exuberant moments of country dancing animated by a furious energy capable of conversion to havoc. There is much thumping and thrumming, scratching and blowing of strange instruments called bamboo pipe, Rhodesian mbira, squeezebox, Chopi timbila, Lozi drums, sousaphone, of which the sound and look have something menacing about them. All are well played.

The company does everything well. They form a lovable team, the men quite diverse in type, the girls possessed of enticing figures and one of them of a beguiling face. The show is actually an ensemble creation in which the players' fellow feeling and devotion to their task and to the audience are always evident.

Wait a Minim! has been "devised and directed" with seductive ingenuity by Leon Gluckman. (Though director and actors are all residents of South Africa, they are of different racial or national backgrounds.) There is no "scenery" in the show, but it is beautifully set. A series of screens of special fabrics in solid colors achieve a marvelously suave effect. The lighting by Klaus Holm, without being pretty-pretty, catches something of the dark mystery and sullen glamour we associate with the African horizon. It makes us behold what is fundamentally sore and sad through a haze of tenderness.

At my grammar school the boys used to tease any fellow who employed unusual words in conversation or composition by saying that he had "swallowed the dictionary"; a taunt which contained a load of derision and a smidgen of respect. The mock compliment of my boyhood schoolmates came back to me at James Goldman's play, *The Lion in Winter* (Ambassador Theatre). Mr. Goldman's vocabulary is not especially extensive but he is noticeably infatuated by the playful surface sounds that phrases can make. His dialogue is ticklingly mellifluous; his play largely patter.

The subject is the struggle between Henry II, King of England at the age of 50 (1183), and his wife, Eleanor of Aquitaine, over the eventual succession to the throne. Henry favors the youngest son, John; Eleanor prefers Richard, the eldest. The two royal personages vie with each other in fierce chicanery. The boys themselves are a trial—the shrewdest and most malign being Geoffrey, the middle son—for they all scheme treacherously against one another as they do against their father and mother. At moments the quarrels approach tragic violence, but generally they verge on farce. After the paroxysm of one nearly murderous squabble, Eleanor cries out, "Well, every family has its ups and downs," which was the one line in the play I found genuinely funny.

It is not clear to me exactly who Mr. Goldman's influences are, but his writing resembles a glossy mixture of ingredients from all the virtuosi of smooth English prose. This does not constitute a style: it is a pastiche. It has no individual quality; it is gay apparel that belongs to no body. There are no humans beneath the trappings. Henry, Eleanor and the others are not people but a collection of gestures, improvisations for momentary turns which fail to become true scenes. They emerge from no core which might give the play's line of action a comprehensive meaning.

We hear "nice speeches": for example, about the horrors of history caused, Eleanor explains, not by environmental or social pressures but by what people are; we hear quips that possess a smart conversational edge but which are not expressions of any central idea or part of any consistent conception of events or character. When all is said and done we know very little about Henry or Eleanor except that they are both wily, vigorous and scenically colorful. They are dressed in epigrammatic motley which is not the equivalent of good writing; they carry on in passages of boisterous behavior which is not the same as drama. The play has only the air of wit.

Robert Preston as Henry is endowed with impressive stature and energy, a resonant baritone with something engagingly boyish as well as bullish in his being. Rosemary Harris as Eleanor has a romantic voice, a twinkling eye and a palpitating manner which leaves us uncertain whether we are to expect laughter or a sob. Both players sustain the evening and almost make us forget that they are play-acting around a vacuum.

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